

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 104

Introduced By: Erdman, 47; Flood, 19; Friend, 10; Pedersen, 39

Read first time: January 5, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to age of majority; to amend sections
2 9-255.09, 9-334, 9-633, 20-403, 21-1724, 21-1781, 29-401,
3 29-2270, 30-2412, 32-602, 43-104.09, 43-117, 43-245, 43-289,
4 43-290, 43-294, 43-412, 43-504, 43-2101, 43-2903, 43-3703,
5 44-5238, 48-122.01, 48-124, 49-801, 68-1723, 68-1724,
6 71-1,281, 71-1,348, 71-20,120, 79-296, 81-885.13, 81-1916,
7 81-1917, 81-1936, and 81-2036, Reissue Revised Statutes of
8 Nebraska, and sections 9-255.06, 23-1824, 25-1601, 25-1628,
9 25-21,271, 28-318, 28-319, 28-320.01, 28-457, 30-2209,
10 30-3402, 30-3502, 42-371.01, 43-247, 64-101, 71-6039.01,
11 76-2229.01, 76-2230, 76-2231.01, 76-2232, 79-267, and
12 81-2026, Revised Statutes Cumulative Supplement, 2006; to
13 change the age of majority from nineteen to eighteen years
14 of age as prescribed; to harmonize provisions; to provide an
15 operative date; and to repeal the original sections.
16 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 9-255.06, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 9-255.06. (1) An individual, partnership, limited liability
4 company, corporation, or organization which will be leasing a premises
5 to one or more organizations for the conduct of bingo and which will
6 receive more than two hundred fifty dollars per month as aggregate
7 total rent from leasing such premises for the conduct of bingo shall
8 first obtain a commercial lessor's license from the department. The
9 license shall be applied for on a form prescribed by the department
10 and shall contain:

11 (a) The name and home address of the applicant;

12 (b) If the applicant is an individual, the applicant's
13 social security number;

14 (c) If the applicant is not a resident of this state or is
15 not a corporation, the full name, business address, and home address
16 of a natural person, at least ~~nineteen years of age,~~ the age of
17 majority, who is a resident of and living in this state designated by
18 the applicant as a resident agent for the purpose of receipt and
19 acceptance of service of process and other communications on behalf of
20 the applicant;

21 (d) A designated mailing address and legal description of
22 the premises intended to be covered by the license sought;

23 (e) The lawful capacity of the premises for public assembly
24 purposes;

25 (f) The amount of rent to be paid or other consideration to
26 be given directly or indirectly for each bingo occasion to be
27 conducted; and

1 (g) Any other information which the department deems
2 necessary.

3 (2)(a) Except as otherwise provided in this subsection, an
4 application for a commercial lessor's license shall be accompanied by
5 a fee of one hundred dollars for each premises the applicant is
6 seeking to lease pursuant to subsection (1) of this section. A
7 commercial lessor who desires to lease more than one premises for the
8 conduct of bingo shall file a separate application and pay a separate
9 fee for each such premises.

10 (b) Commencing October 1, 2001, the biennial license fee for
11 a commercial lessor shall be two hundred dollars for each premises the
12 applicant is seeking to lease pursuant to subsection (1) of this
13 section.

14 (3) The information required by this section shall be kept
15 current. The commercial lessor shall notify the department within
16 thirty days of any changes to the information contained on or with the
17 application.

18 (4) A commercial lessor who will be leasing or renting bingo
19 equipment in conjunction with his or her premises shall obtain such
20 equipment only from a licensed distributor, except that a commercial
21 lessor shall not purchase or otherwise obtain disposable paper bingo
22 cards from any source.

23 (5) A commercial lessor, the owner of a premises, and all
24 parties who lease or sublease a premises which ultimately is leased to
25 an organization for the conduct of bingo shall not be involved
26 directly with the conduct of any bingo occasion regulated by the
27 Nebraska Bingo Act which may include, but not be limited to, the

1 managing, operating, promoting, advertising, or administering of
2 bingo. Such persons shall not derive any financial gain from any
3 gaming activities regulated by Chapter 9 except as provided in
4 subsection (4) of section 9-347 if the individual is licensed as a
5 pickle card operator, if the individual is licensed as a lottery
6 operator or authorized sales outlet location pursuant to the Nebraska
7 County and City Lottery Act, or if the individual is contracted with
8 as a lottery game retailer pursuant to the State Lottery Act.

9 (6) A nonprofit organization owning its own premises which
10 in turn rents or leases its premises solely to its own auxiliary shall
11 be exempt from the licensing requirements contained in this section.

12 Sec. 2. Section 9-255.09, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 9-255.09. (1) Any individual, partnership, limited liability
15 company, or corporation which desires to sell or otherwise supply
16 bingo equipment in this state to a licensed distributor shall first
17 apply for and obtain a manufacturer's license from the department.
18 Manufacturers' licenses may be renewed biennially. The expiration date
19 shall be September 30 of every odd-numbered year or such other date as
20 the department may prescribe by rule and regulation. An application
21 for license renewal shall be submitted to the department at least
22 forty-five days prior to the expiration date of the license. The
23 license shall be applied for on a form prescribed by the department
24 and shall contain:

25 (a) The business name and address of the applicant and the
26 name and address of each of the applicant's separate locations which
27 manufacture or store bingo equipment and any location from which the

1 applicant distributes or promotes bingo equipment;

2 (b) The name and home address of the applicant;

3 (c) If the applicant is an individual, the applicant's
4 social security number;

5 (d) If the applicant is not a resident of this state or is
6 not a corporation, the full name, business address, and home address
7 of a natural person, at least ~~nineteen years of age~~, the age of
8 majority, who is a resident of and living in this state designated by
9 the applicant as a resident agent for the purpose of receipt and
10 acceptance of service of process and other communications on behalf of
11 the applicant;

12 (e) A sworn statement by the applicant or appropriate
13 officer of the applicant that the applicant will comply with all
14 provisions of the Nebraska Bingo Act and all rules and regulations
15 adopted pursuant to the act; and

16 (f) Any other information which the department deems
17 necessary.

18 (2) The application shall be accompanied by a biennial
19 license fee of three thousand fifty dollars.

20 (3) The information required by this section shall be kept
21 current. The manufacturer shall notify the department within thirty
22 days of any changes to the information contained on or with the
23 application.

24 (4) Any person licensed as a manufacturer pursuant to
25 section 9-332 may act as a manufacturer pursuant to this section
26 without filing a separate application or submitting the license fee
27 required by this section.

1 (5) A licensed manufacturer shall not hold any other type of
2 license issued pursuant to Chapter 9 except as provided in sections
3 9-332 and 9-632.

4 (6) No manufacturer or spouse or employee of the
5 manufacturer shall participate in the conduct or operation of any
6 bingo game or occasion or any other kind of gaming activity which is
7 authorized or regulated under Chapter 9 except to the exclusive extent
8 of his or her statutory duties as a licensed manufacturer or employee
9 thereof as provided by this section and except as provided in sections
10 9-332 and 9-632 and the State Lottery Act. No manufacturer or employee
11 or spouse of any manufacturer shall have a substantial interest in
12 another manufacturer, a distributor, a manufacturer-distributor as
13 defined in section 9-616 other than itself, a licensed organization,
14 or any other licensee regulated under Chapter 9.

15 Sec. 3. Section 9-334, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 9-334. Each manufacturer selling pickle cards and pickle
18 card units in this state that is not a resident or corporation shall
19 designate a natural person who is a resident of and living in this
20 state and is ~~nineteen years of age~~ the age of majority or older as
21 a resident agent for the purpose of receipt and acceptance of service
22 of process and other communications on behalf of the manufacturer. The
23 name, business address where service of process and delivery of mail
24 can be made, and home address of such agent shall be filed with the
25 department.

26 Sec. 4. Section 9-633, Reissue Revised Statutes of Nebraska,
27 is amended to read:

1 9-633. Each manufacturer-distributor selling lottery
2 equipment or supplies in this state that is not a resident of this
3 state or is not a corporation shall designate a natural person who is
4 a resident of and living in this state and is ~~nineteen years of age~~
5 the age of majority or older as a resident agent for the purpose of
6 receipt and acceptance of service of process and other communications
7 on behalf of the manufacturer-distributor. The name, business address
8 where service of process and delivery of mail can be made, and home
9 address of such agent shall be filed with the department.

10 Sec. 5. Section 20-403, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 20-403. For purposes of the Rights of the Terminally Ill
13 Act, unless the context otherwise requires:

14 (1) Adult shall mean any person who is ~~nineteen years of~~
15 ~~age~~ the age of majority or older or who is or has been married;

16 (2) Attending physician shall mean the physician who has
17 primary responsibility for the treatment and care of the patient;

18 (3) Declaration shall mean a writing executed in accordance
19 with the requirements of subsection (1) of section 20-404;

20 (4) Health care provider shall mean a person who is
21 licensed, certified, or otherwise authorized by the law of this state
22 to administer health care in the ordinary course of business or
23 practice of a profession;

24 (5) Life-sustaining treatment shall mean any medical
25 procedure or intervention that, when administered to a qualified
26 patient, will serve only to prolong the process of dying or maintain
27 the qualified patient in a persistent vegetative state;

1 (6) Persistent vegetative state shall mean a medical
2 condition that, to a reasonable degree of medical certainty as
3 determined in accordance with currently accepted medical standards, is
4 characterized by a total and irreversible loss of consciousness and
5 capacity for cognitive interaction with the environment and no
6 reasonable hope of improvement;

7 (7) Person shall mean an individual, corporation, business
8 trust, estate, trust, partnership, limited liability company,
9 association, joint venture, government, governmental subdivision or
10 agency, or other legal or commercial entity;

11 (8) Physician shall mean an individual licensed to practice
12 medicine in this state;

13 (9) Qualified patient shall mean an adult who has executed a
14 declaration and who has been determined by the attending physician to
15 be in a terminal condition or a persistent vegetative state;

16 (10) State shall mean a state of the United States, the
17 District of Columbia, the Commonwealth of Puerto Rico, or a territory
18 or insular possession subject to the jurisdiction of the United
19 States; and

20 (11) Terminal condition shall mean an incurable and
21 irreversible condition that, without the administration of
22 life-sustaining treatment, will, in the opinion of the attending
23 physician, result in death within a relatively short time.

24 Sec. 6. Section 21-1724, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 21-1724. (1) Any nine or more individuals residing in the
27 State of Nebraska who are ~~nineteen years of age~~ the age of majority

1 or older and who have a common bond pursuant to section 21-1743 may
2 apply to the department on forms prescribed by the department for
3 permission to organize a credit union and to become charter members
4 and subscribers of the credit union.

5 (2) The subscribers shall execute in duplicate articles of
6 association and shall agree to the terms of the articles of
7 association. The terms shall state:

8 (a) The name, which shall include the words "credit union"
9 and shall not be the same as the name of any other credit union in
10 this state, whether or not organized under the Credit Union Act, and
11 the location where the proposed credit union will have its principal
12 place of business;

13 (b) The names and addresses of the subscribers to the
14 articles of association and the number of shares subscribed by each;

15 (c) The par value of the shares of the credit union which
16 shall be established by its board of directors. A credit union may
17 have more than one class of shares;

18 (d) The common bond of members of the credit union; and

19 (e) That the existence of the credit union shall be
20 perpetual.

21 (3) The subscribers shall prepare and adopt bylaws for the
22 governance of the credit union. The bylaws shall be consistent with
23 the Credit Union Act and shall be executed in duplicate.

24 (4) The subscribers shall select at least five qualified
25 individuals to serve on the board of directors of the credit union, at
26 least three qualified individuals to serve on the supervisory
27 committee of the credit union, and at least three qualified

1 individuals to serve on the credit committee of the credit union, if
2 any. Such individuals shall execute a signed agreement to serve in
3 these capacities until the first annual meeting or until the election
4 of their successors, whichever is later.

5 (5) The articles of association and the bylaws, both
6 executed in duplicate, shall be forwarded by the subscribers along
7 with the required fee, if any, to the director, as an application for
8 a certificate of approval.

9 (6) The director shall act upon the application within one
10 hundred twenty calendar days after receipt of the articles of
11 association and the bylaws to determine whether the articles of
12 association conform with this section and whether or not the character
13 of the applicants and the conditions existing are favorable for the
14 success of the credit union.

15 (7) The director shall notify an applicant of his or her
16 decision on the application. If the decision is favorable, the
17 director shall issue a certificate of approval to the credit union.
18 The certificate of approval shall be attached to the duplicate
19 articles of association and returned, with the duplicate bylaws, to
20 such subscribers.

21 (8) The subscribers shall file the certificate of approval
22 with the articles of association attached in the office of the county
23 clerk of the county in which the credit union is to locate its
24 principal place of business. The county clerk shall accept and record
25 the documents if they are accompanied by the proper fee and, after
26 indexing, forward to the department proper documentation that the
27 certificate of approval with the articles of association attached have

1 been properly filed and recorded. When the documents are so recorded,
2 the credit union shall be organized in accordance with the Credit
3 Union Act and may begin transacting business.

4 (9) If the director's decision on the application is
5 unfavorable, he or she shall notify the subscribers of the reasons for
6 the decision. The subscribers may then request a public hearing if no
7 such hearing was held at the time the application was submitted for
8 consideration.

9 (10) The request for a public hearing shall be made in
10 writing to the director not more than thirty calendar days after his
11 or her decision. The director, within ten calendar days after receipt
12 of a request for a hearing, shall set a date for the hearing at a time
13 and place convenient to the director and the subscribers, but no
14 longer than sixty calendar days after receipt of such request. The
15 director may request a stenographic record of the hearing.

16 Sec. 7. Section 21-1781, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 21-1781. A share account may be issued to and deposits
19 received from a member less than ~~nineteen years of age~~ the age of
20 majority who may withdraw funds from such account, including the
21 dividends thereon. Payments on a share account by such individual and
22 withdrawals on a share account by such individual shall be valid in
23 all respects.

24 Sec. 8. Section 23-1824, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

26 23-1824. (1) The county coroner or coroner's physician shall
27 perform, at county expense, an autopsy on any person less than

1 ~~nineteen years of age~~ the age of majority who dies a sudden death,
2 except that no autopsy needs to be performed if (a) the death was
3 caused by a readily recognizable disease or the death occurred due to
4 trauma resulting from an accident and (b) the death did not occur
5 under suspicious circumstances. The Attorney General shall create, by
6 July 1, 2007, guidelines for county coroners or coroner's physicians
7 regarding autopsies on persons less than ~~nineteen years of age.~~ the
8 age of majority.

9 (2) The county coroner or coroner's physician shall attempt
10 to establish, by a reasonable degree of medical certainty, the cause
11 or causes of the death, and shall thereafter certify the cause or
12 causes of death to the county attorney. No cause of death shall be
13 certified as sudden infant death syndrome unless an autopsy, a death
14 scene investigation, and a review of the child's medical history
15 reveal no other possible cause.

16 (3) A county may request reimbursement of up to fifty
17 percent of the cost of an autopsy from the Attorney General.
18 Reimbursement requests may include, but not be limited to, costs for
19 expert witnesses and complete autopsies, including toxicology screens
20 and tissue sample tests. The Attorney General shall place an emphasis
21 on autopsies of children five years of age and younger.

22 Sec. 9. Section 25-1601, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 25-1601. (1) All citizens of the United States residing in
25 any of the counties of this state who are over the age of ~~nineteen~~
26 ~~years,~~ majority, able to read, speak, and understand the English
27 language, and free from all disqualifications set forth under this

1 section and from all other legal exceptions are and shall be competent
2 persons to serve on all grand and petit juries in their respective
3 counties. Persons disqualified to serve as either grand or petit
4 jurors are: (a) Judges of any court, (b) clerks of the Supreme or
5 district courts, (c) sheriffs, (d) jailers, (e) persons, or the wife
6 or husband of any such person, who are parties to suits pending in the
7 district court of the county of his, her, or their then residence for
8 trial at that jury panel, (f) persons who have been convicted of a
9 criminal offense punishable by imprisonment in a Department of
10 Correctional Services adult correctional facility, when such
11 conviction has not been set aside or a pardon issued, and (g) persons
12 who are subject to liability for the commission of any offense which
13 by special provision of law does and shall disqualify them. Persons
14 who are husband and wife shall not be summoned as jurors on the same
15 panel. Persons who are incapable, by reason of physical or mental
16 disability, of rendering satisfactory jury service shall not be
17 qualified to serve on a jury, but a person claiming this
18 disqualification may be required to submit a physician's certificate
19 as to the disability and the certifying physician is subject to
20 inquiry by the court at its discretion. A nursing mother who requests
21 to be excused shall be excused from jury service until she is no
22 longer nursing her child, but the mother may be required to submit a
23 physician's certificate in support of her request.

24 (2) The district court or any judge thereof may exercise the
25 power of excusing any grand or petit juror or any person summoned for
26 grand or petit jury service upon a showing of undue hardship, extreme
27 inconvenience, or public necessity for such period as the court deems

1 necessary. At the conclusion of such period the person shall reappear
2 for jury service in accordance with the court's direction. All excuses
3 and the grounds for such excuses shall be entered upon the record of
4 the court and shall be considered as a public record. In districts
5 having more than one judge of the district court, the court may by
6 rule or order assign or delegate to the presiding judge or any one or
7 more judges the sole authority to grant such excuses.

8 (3) No qualified prospective juror is exempt from jury
9 service, except that any person sixty-five years of age or older who
10 shall make such request to the court at the time the juror
11 qualification form is filed with the jury commissioner shall be exempt
12 from serving on grand and petit juries.

13 (4) A nursing mother shall be excused from jury service
14 until she is no longer nursing her child by making such request to the
15 court at the time the juror qualification form is filed with the jury
16 commissioner and including with the request a physician's certificate
17 in support of her request. The jury commissioner shall mail the mother
18 a notification form to be completed and returned to the jury
19 commissioner by the mother when she is no longer nursing the child.

20 Sec. 10. Section 25-1628, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 25-1628. (1) At least once each calendar year, the officer
23 having charge of the election records shall furnish to the jury
24 commissioner a complete list of the names, dates of birth, and
25 addresses of all registered electors ~~nineteen years of age~~ the age
26 of majority or older in the county. The Department of Motor Vehicles
27 shall make available to each jury commissioner each December a list

1 in magnetic, optical, digital, or other electronic format mutually
2 agreed to by the jury commissioner and the department containing the
3 names, dates of birth, and addresses of all licensed motor vehicle
4 operators ~~nineteen years of age~~ the age of majority or older in
5 the county. The jury commissioner may request such a list of licensed
6 motor vehicle operators from the county treasurer if the county
7 treasurer has an automated procedure for developing such lists. If a
8 jury commissioner requests similar lists at other times from the
9 department, the cost of processing such lists shall be paid by the
10 county which the requesting jury commissioner serves.

11 (2) Upon receipt of both lists described in subsection (1)
12 of this section, the jury commissioner shall combine the separate
13 lists and attempt to reduce duplication to the best of his or her
14 ability to produce a master list. In counties having a population of
15 three thousand inhabitants or more, the jury commissioner shall
16 produce a master list at least once each calendar year. In counties
17 having a population of less than three thousand inhabitants, the jury
18 commissioner shall produce a master list at least once every two
19 calendar years.

20 (3) The proposed juror list shall be derived by selecting
21 from the master list the name of the person whose numerical order on
22 such list corresponds with the key number and each successive tenth
23 name thereafter. The jury commissioner shall certify that the proposed
24 juror list has been made in accordance with sections 25-1625 to
25 25-1637.

26 (4) Any duplication of names on a master list shall not be
27 grounds for quashing any panel pursuant to section 25-1637 or for the

1 disqualification of any juror.

2 Sec. 11. Section 25-21,271, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 25-21,271. (1) Any person desiring to change his or her name
5 may file a petition in the district court of the county in which such
6 person may be a resident, setting forth (a) that the petitioner has
7 been a bona fide citizen of such county for at least one year prior to
8 the filing of the petition, (b) the cause for which the change of
9 petitioner's name is sought, and (c) the name asked for.

10 (2) Notice of the filing of the petition shall be published
11 in a newspaper in the county, and if no newspaper is printed in the
12 county, then in a newspaper of general circulation therein. The notice
13 shall be published (a) once a week for four consecutive weeks if the
14 petitioner is ~~nineteen years of age~~ the age of majority or older
15 at the time the action is filed and (b) once a week for two
16 consecutive weeks if the petitioner is under ~~nineteen years of age~~
17 the age of majority at the time the action is filed. In an action
18 involving a petitioner under ~~nineteen years of age~~ the age of
19 majority who has a noncustodial parent, notice of the filing of the
20 petition shall be sent by certified mail within five days after
21 publication to the noncustodial parent at the address provided to the
22 clerk of the district court pursuant to subsection (1) of section
23 42-364.13 for the noncustodial parent if he or she has provided an
24 address. The clerk of the district court shall provide the petitioner
25 with the address upon request.

26 (3) It shall be the duty of the district court, upon being
27 duly satisfied by proof in open court of the truth of the allegations

1 set forth in the petition, that there exists proper and reasonable
2 cause for changing the name of the petitioner, and that notice of the
3 filing of the petition has been given as required by this section, to
4 order and direct a change of name of such petitioner and that an order
5 for the purpose be made in the journals of the court.

6 Sec. 12. Section 28-318, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 28-318. As used in sections 28-317 to 28-321, unless the
9 context otherwise requires:

10 (1) Actor means a person accused of sexual assault;

11 (2) Intimate parts means the genital area, groin, inner
12 thighs, buttocks, or breasts;

13 (3) Past sexual behavior means sexual behavior other than
14 the sexual behavior upon which the sexual assault is alleged;

15 (4) Serious personal injury means great bodily injury or
16 disfigurement, extreme mental anguish or mental trauma, pregnancy,
17 disease, or loss or impairment of a sexual or reproductive organ;

18 (5) Sexual contact means the intentional touching of the
19 victim's sexual or intimate parts or the intentional touching of the
20 victim's clothing covering the immediate area of the victim's sexual
21 or intimate parts. Sexual contact shall also mean the touching by the
22 victim of the actor's sexual or intimate parts or the clothing
23 covering the immediate area of the actor's sexual or intimate parts
24 when such touching is intentionally caused by the actor. Sexual
25 contact shall include only such conduct which can be reasonably
26 construed as being for the purpose of sexual arousal or gratification
27 of either party. Sexual contact shall also include the touching of a

1 child with the actor's sexual or intimate parts on any part of the
2 child's body for purposes of sexual assault of a child under sections
3 28-319.01 and 28-320.01;

4 (6) Sexual penetration means sexual intercourse in its
5 ordinary meaning, cunnilingus, fellatio, anal intercourse, or any
6 intrusion, however slight, of any part of the actor's or victim's body
7 or any object manipulated by the actor into the genital or anal
8 openings of the victim's body which can be reasonably construed as
9 being for nonmedical or nonhealth purposes. Sexual penetration shall
10 not require emission of semen;

11 (7) Victim means the person alleging to have been sexually
12 assaulted;

13 (8) Without consent means:

14 (a)(i) The victim was compelled to submit due to the use of
15 force or threat of force or coercion, or (ii) the victim expressed a
16 lack of consent through words, or (iii) the victim expressed a lack of
17 consent through conduct, or (iv) the consent, if any was actually
18 given, was the result of the actor's deception as to the identity of
19 the actor or the nature or purpose of the act on the part of the
20 actor;

21 (b) The victim need only resist, either verbally or
22 physically, so as to make the victim's refusal to consent genuine and
23 real and so as to reasonably make known to the actor the victim's
24 refusal to consent; and

25 (c) A victim need not resist verbally or physically where it
26 would be useless or futile to do so; ~~and~~

27 (9) Force or threat of force means (a) the use of physical

1 force which overcomes the victim's resistance or (b) the threat of
2 physical force, express or implied, against the victim or a third
3 person that places the victim in fear of death or in fear of serious
4 personal injury to the victim or a third person where the victim
5 reasonably believes that the actor has the present or future ability
6 to execute the threat; and -

7 (10) Age of majority means eighteen years of age.

8 Sec. 13. Section 28-319, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 28-319. (1) Any person who subjects another person to sexual
11 penetration (a) without the consent of the victim, (b) who knew or
12 should have known that the victim was mentally or physically incapable
13 of resisting or appraising the nature of his or her conduct, or (c)
14 when the actor is ~~nineteen years of age~~ the age of majority or
15 older and the victim is at least twelve but less than sixteen years of
16 age is guilty of sexual assault in the first degree.

17 (2) Sexual assault in the first degree is a Class II felony.
18 The sentencing judge shall consider whether the actor caused serious
19 personal injury to the victim in reaching a decision on the sentence.

20 (3) Any person who is found guilty of sexual assault in the
21 first degree for a second time when the first conviction was pursuant
22 to this section or any other state or federal law with essentially the
23 same elements as this section shall be sentenced to a mandatory
24 minimum term of twenty-five years in prison.

25 Sec. 14. Section 28-320.01, Revised Statutes Cumulative
26 Supplement, 2006, is amended to read:

27 28-320.01. (1) A person commits sexual assault of a child in

1 the second or third degree if he or she subjects another person
2 fourteen years of age or younger to sexual contact and the actor is at
3 least ~~nineteen years of age~~ the age of majority or older.

4 (2) Sexual assault of a child is in the second degree if the
5 actor causes serious personal injury to the victim. Sexual assault of
6 a child in the second degree is a Class II felony for the first
7 offense.

8 (3) Sexual assault of a child is in the third degree if the
9 actor does not cause serious personal injury to the victim. Sexual
10 assault of a child in the third degree is a Class IIIA felony for the
11 first offense.

12 (4) Any person who is found guilty of second degree sexual
13 assault of a child under this section and who has previously been
14 convicted (a) under this section, (b) under section 28-319 of first
15 degree or attempted first degree sexual assault, (c) under section
16 28-319.01 for first degree or attempted first degree sexual assault of
17 a child, or (d) in any other state or federal court under laws with
18 essentially the same elements as this section , section 28-319, or
19 section 28-319.01 shall be guilty of a Class IC felony and shall be
20 sentenced to a mandatory minimum term of twenty-five years in prison.

21 (5) Any person who is found guilty of third degree sexual
22 assault of a child under this section and who has previously been
23 convicted (a) under this section, (b) under section 28-319 of first
24 degree or attempted first degree sexual assault, (c) under section
25 28-319.01 for first degree or attempted first degree sexual assault of
26 a child, or (d) in any other state or federal court under laws with
27 essentially the same elements as this section, section 28-319, or

1 28-319.01 shall be guilty of a Class IC felony.

2 Sec. 15. Section 28-457, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 28-457. (1) For purposes of this section:

5 (a) Bodily injury has the same meaning as in section 28-109;

6 (b) Chemical substance means a substance intended to be used
7 as an immediate precursor or reagent in the manufacture of
8 methamphetamine or any other chemical intended to be used in the
9 manufacture of methamphetamine. Intent for purposes of this
10 subdivision may be demonstrated by the substance's use, quantity,
11 manner of storage, or proximity to other precursors or manufacturing
12 equipment;

13 (c) Child means a person under the age of ~~nineteen years;~~
14 majority;

15 (d) Methamphetamine means methamphetamine, its salts,
16 optical isomers, and salts of its isomers;

17 (e) Paraphernalia means all equipment, products, and
18 materials of any kind which are used, intended for use, or designed
19 for use in manufacturing, injecting, ingesting, inhaling, or otherwise
20 introducing methamphetamine into the human body;

21 (f) Prescription has the same meaning as in section 28-401;

22 (g) Serious bodily injury has the same meaning as in section
23 28-109; and

24 (h) Vulnerable adult has the same meaning as in section
25 28-371.

26 (2) Any person who knowingly or intentionally causes or
27 permits a child or vulnerable adult to inhale or have contact with

1 methamphetamine, a chemical substance, or paraphernalia is guilty of a
2 Class I misdemeanor. For any second or subsequent conviction under
3 this subsection, any person so offending is guilty of a Class IV
4 felony.

5 (3) Any person who knowingly or intentionally causes or
6 permits a child or vulnerable adult to ingest methamphetamine, a
7 chemical substance, or paraphernalia is guilty of a Class I
8 misdemeanor. For any second or subsequent conviction under this
9 subsection, any person so offending shall be guilty of a Class IIIA
10 felony.

11 (4) Any child or vulnerable adult who resides with a person
12 violating subsection (2) or (3) of this section shall be taken into
13 protective custody as provided in the Adult Protective Services Act or
14 the Nebraska Juvenile Code.

15 (5) Any person who violates subsection (2) or (3) of this
16 section and a child or vulnerable adult actually suffers serious
17 bodily injury by ingestion of, inhalation of, or contact with
18 methamphetamine, a chemical substance, or paraphernalia is guilty of a
19 Class IIIA felony unless the ingestion, inhalation, or contact results
20 in the death of the child or vulnerable adult, in which case the
21 person is guilty of a Class IB felony.

22 (6) It is an affirmative defense to a violation of this
23 section that the chemical substance was provided by lawful
24 prescription for the child or vulnerable adult and that it was
25 administered to the child or vulnerable adult in accordance with the
26 prescription instructions provided with the chemical substance.

27 Sec. 16. Section 29-401, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 29-401. Every sheriff, deputy sheriff, marshal, deputy
3 marshal, security guard, police officer, or peace officer as defined
4 in ~~subdivision (15) of~~ section 49-801 shall arrest and detain any
5 person found violating any law of this state or any legal ordinance of
6 any city or incorporated village until a legal warrant can be
7 obtained, except that (1) any such law enforcement officer taking a
8 juvenile under the age of eighteen years into his or her custody for
9 any violation herein defined shall proceed as set forth in sections
10 43-248, 43-250, and 43-253 and (2) the court in which the juvenile is
11 to appear shall not accept a plea from the juvenile until finding that
12 the parents of the juvenile have been notified or that reasonable
13 efforts to notify such parents have been made as provided in section
14 43-253.

15 Sec. 17. Section 29-2270, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 29-2270. Any individual who is less than ~~nineteen years of~~
18 ~~age~~ the age of majority and who is subject to the supervision of a
19 juvenile probation officer or an adult probation officer pursuant to
20 an order of the district court, county court, or juvenile court shall,
21 as a condition of probation, be required to:

22 (1) Attend school to obtain vocational training or to
23 achieve an appropriate educational level as prescribed by the
24 probation officer after consultation with the school the individual
25 attends or pursuant to section 29-2272. If the individual fails to
26 attend school regularly, maintain appropriate school behavior, or make
27 satisfactory progress as determined by the probation officer after

1 consultation with the school and the individual does not meet the
2 requirements of subdivision (2) of this section, the district court,
3 county court, or juvenile court shall take appropriate action to
4 enforce, modify, or revoke its order granting probation; or

5 (2) Attend an on-the-job training program or secure and
6 maintain employment. If the individual fails to attend the program or
7 maintain employment and does not meet the requirements of subdivision
8 (1) of this section, the district court, county court, or juvenile
9 court shall take appropriate action to enforce, modify, or revoke its
10 order granting probation.

11 Sec. 18. Section 30-2209, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 30-2209. Subject to additional definitions contained in the
14 subsequent articles which are applicable to specific articles or
15 parts, and unless the context otherwise requires, in the Nebraska
16 Probate Code:

17 (1) Application means a written request to the registrar for
18 an order of informal probate or appointment under part 3 of Article
19 24.

20 (2) Beneficiary, as it relates to trust beneficiaries,
21 includes a person who has any present or future interest, vested or
22 contingent, and also includes the owner of an interest by assignment
23 or other transfer, and as it relates to a charitable trust includes
24 any person entitled to enforce the trust.

25 (3) Child includes any individual entitled to take as a
26 child under the code by intestate succession from the parent whose
27 relationship is involved and excludes any person who is only a

1 stepchild, a foster child, or a grandchild or any more remote
2 descendant.

3 (4) Claim, in respect to estates of decedents and protected
4 persons, includes liabilities of the decedent or protected person
5 whether arising in contract, in tort or otherwise, and liabilities of
6 the estate which arise at or after the death of the decedent or after
7 the appointment of a conservator, including funeral expenses and
8 expenses of administration. The term does not include estate or
9 inheritance taxes, demands or disputes regarding title of a decedent
10 or protected person to specific assets alleged to be included in the
11 estate.

12 (5) Court means the court or branch having jurisdiction in
13 matters relating to the affairs of decedents. This court in this state
14 is known as county court or, for purposes of guardianship of a
15 juvenile over which a separate juvenile court already has
16 jurisdiction, the county court or separate juvenile court.

17 (6) Conservator means a person who is appointed by a court
18 to manage the estate of a protected person.

19 (7) Devise, when used as a noun, means a testamentary
20 disposition of real or personal property and, when used as a verb,
21 means to dispose of real or personal property by will.

22 (8) Devisee means any person designated in a will to receive
23 a devise. In the case of a devise to an existing trust or trustee, or
24 to a trustee on trust described by will, the trust or trustee is the
25 devisee and the beneficiaries are not devisees.

26 (9) Disability means cause for a protective order as
27 described by section 30-2630.

1 (10) Disinterested witness to a will means any individual
2 who acts as a witness to a will and is not an interested witness to
3 such will.

4 (11) Distributee means any person who has received property
5 of a decedent from his or her personal representative other than as a
6 creditor or purchaser. A testamentary trustee is a distributee only to
7 the extent of distributed assets or increment thereto remaining in his
8 or her hands. A beneficiary of a testamentary trust to whom the
9 trustee has distributed property received from a personal
10 representative is a distributee of the personal representative. For
11 purposes of this provision, testamentary trustee includes a trustee to
12 whom assets are transferred by will, to the extent of the devised
13 assets.

14 (12) Estate includes the property of the decedent, trust, or
15 other person whose affairs are subject to the Nebraska Probate Code as
16 originally constituted and as it exists from time to time during
17 administration.

18 (13) Exempt property means that property of a decedent's
19 estate which is described in section 30-2323.

20 (14) Fiduciary includes personal representative, guardian,
21 conservator, and trustee.

22 (15) Foreign personal representative means a personal
23 representative of another jurisdiction.

24 (16) Formal proceedings mean those conducted before a judge
25 with notice to interested persons.

26 (17) Guardian means a person who has qualified as a guardian
27 of a minor or incapacitated person pursuant to testamentary or court

1 appointment, but excludes one who is merely a guardian ad litem.

2 (18) Heirs mean those persons, including the surviving
3 spouse, who are entitled under the statutes of intestate succession to
4 the property of a decedent.

5 (19) Incapacitated person is as defined in section 30-2601.

6 (20) Informal proceedings mean those conducted without
7 notice to interested persons by an officer of the court acting as a
8 registrar for probate of a will or appointment of a personal
9 representative.

10 (21) Interested person includes heirs, devisees, children,
11 spouses, creditors, beneficiaries, and any others having a property
12 right in or claim against a trust estate or the estate of a decedent,
13 ward, or protected person which may be affected by the proceeding. It
14 also includes persons having priority for appointment as personal
15 representative, and other fiduciaries representing interested persons.
16 The meaning as it relates to particular persons may vary from time to
17 time and must be determined according to the particular purposes of,
18 and matter involved in, any proceeding.

19 (22) Interested witness to a will means any individual who
20 acts as a witness to a will at the date of its execution and who is or
21 would be entitled to receive any property thereunder if the testator
22 then died under the circumstances existing at the date of its
23 execution, but does not include any individual, merely because of such
24 nomination, who acts as a witness to a will by which he or she is
25 nominated as personal representative, conservator, guardian, or
26 trustee.

27 (23) Issue of a person means all his or her lineal

1 descendants of all generations, with the relationship of parent and
2 child at each generation being determined by the definitions of child
3 and parent contained in the Nebraska Probate Code.

4 (24) Lease includes an oil, gas, or other mineral lease.

5 (25) Letters include letters testamentary, letters of
6 guardianship, letters of administration, and letters of
7 conservatorship.

8 (26) Minor means an individual under ~~nineteen years of age,~~
9 the age of majority, but in case any person marries under the age
10 of ~~nineteen years~~ majority his or her minority ends.

11 (27) Mortgage means any conveyance, agreement, or
12 arrangement in which property is used as security.

13 (28) Nonresident decedent means a decedent who was domiciled
14 in another jurisdiction at the time of his or her death.

15 (29) Notice means compliance with the requirements of notice
16 pursuant to subdivisions (a)(1) and (a)(2) of section 30-2220.

17 (30) Organization includes a corporation, government, or
18 governmental subdivision or agency, business trust, estate, trust,
19 partnership, limited liability company, or association, two or more
20 persons having a joint or common interest, or any other legal entity.

21 (31) Parent includes any person entitled to take, or who
22 would be entitled to take if the child died without a will, as a
23 parent under the Nebraska Probate Code, by intestate succession from
24 the child whose relationship is in question and excludes any person
25 who is only a stepparent, foster parent, or grandparent.

26 (32) Person means an individual, a corporation, an
27 organization, a limited liability company, or other legal entity.

1 (33) Personal representative includes executor,
2 administrator, successor personal representative, special
3 administrator, and persons who perform substantially the same function
4 under the law governing their status.

5 (34) Petition means a written request to the court for an
6 order after notice.

7 (35) Proceeding includes action at law and suit in equity,
8 but does not include a determination of inheritance tax under Chapter
9 77, article 20, or estate tax apportionment as provided in sections
10 77-2108 to 77-2112.

11 (36) Property includes both real and personal property or
12 any interest therein and means anything that may be the subject of
13 ownership.

14 (37) Protected person is as defined in section 30-2601.

15 (38) Protective proceeding is as defined in section 30-2601.

16 (39) Registrar refers to the official of the court
17 designated to perform the functions of registrar as provided in
18 section 30-2216.

19 (40) Relative or relation of a person means all persons who
20 are related to him or her by blood or legal adoption.

21 (41) Security includes any note, stock, treasury stock,
22 bond, debenture, evidence of indebtedness, certificate of interest or
23 participation in an oil, gas, or mining title or lease or in payments
24 out of production under such a title or lease, collateral-trust
25 certificate, transferable share, voting-trust certificate or, in
26 general, any interest or instrument commonly known as a security, or
27 any certificate of interest or participation, any temporary or interim

1 certificate, receipt, or certificate of deposit for, or any warrant or
2 right to subscribe to or purchase, any of the foregoing.

3 (42) Settlement, in reference to a decedent's estate,
4 includes the full process of administration, distribution, and
5 closing.

6 (43) Special administrator means a personal representative
7 as described by sections 30-2457 to 30-2461.

8 (44) State includes any state of the United States, the
9 District of Columbia, the Commonwealth of Puerto Rico, and any
10 territory or possession subject to the legislative authority of the
11 United States.

12 (45) Successor personal representative means a personal
13 representative, other than a special administrator, who is appointed
14 to succeed a previously appointed personal representative.

15 (46) Successors mean those persons, other than creditors,
16 who are entitled to property of a decedent under his or her will or
17 the Nebraska Probate Code.

18 (47) Supervised administration refers to the proceedings
19 described in Article 24, part 5.

20 (48) Testacy proceeding means a proceeding to establish a
21 will or determine intestacy.

22 (49) Testator means the maker of a will.

23 (50) Trust includes any express trust, private or
24 charitable, with additions thereto, wherever and however created. It
25 also includes a trust created or determined by judgment or decree
26 under which the trust is to be administered in the manner of an
27 express trust. Trust excludes other constructive trusts, and it

1 excludes resulting trusts, conservatorships, personal representatives,
2 trust accounts as defined in Article 27, custodial arrangements
3 pursuant to the Nebraska Uniform Transfers to Minors Act, business
4 trusts providing for certificates to be issued to beneficiaries,
5 common trust funds, voting trusts, security arrangements, liquidation
6 trusts, and trusts for the primary purpose of paying debts, dividends,
7 interest, salaries, wages, profits, pensions, or employee benefits of
8 any kind, and any arrangement under which a person is nominee or
9 escrowee for another.

10 (51) Trustee includes an original, additional, or successor
11 trustee, whether or not appointed or confirmed by court.

12 (52) Ward is as defined in section 30-2601.

13 (53) Will means any instrument, including any codicil or
14 other testamentary instrument complying with sections 30-2326 to
15 30-2338, which disposes of personal or real property, appoints a
16 personal representative, conservator, guardian, or trustee, revokes or
17 revises an earlier executed testamentary instrument, or encompasses
18 any one or more of such objects or purposes.

19 Sec. 19. Section 30-2412, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 30-2412. (a) Whether the proceedings are formal or informal,
22 persons who are not disqualified have priority for appointment in the
23 following order:

24 (1) the person with priority as determined by a probated
25 will including a person nominated by a power conferred in a will;

26 (2) the surviving spouse of the decedent who is a devisee of
27 the decedent;

1 (3) other devisees of the decedent;
2 (4) the surviving spouse of the decedent;
3 (5) other heirs of the decedent;
4 (6) forty-five days after the death of the decedent, any
5 creditor.

6 (b) An objection to an appointment can be made only in
7 formal proceedings. In case of objection the priorities stated in (a)
8 apply except that

9 (1) if the estate appears to be more than adequate to meet
10 exemptions and costs of administration but inadequate to discharge
11 anticipated unsecured claims, the court, on petition of a creditor,
12 may appoint any qualified person;

13 (2) in case of objection to appointment of a person other
14 than one whose priority is determined by will by an heir or devisee
15 appearing to have a substantial interest in the estate, the court may
16 appoint a person who is acceptable to heirs and devisees whose
17 interests in the estate appear to be worth in total more than half of
18 the probable distributable value or, in default of this accord, any
19 suitable person.

20 (c) A person entitled to letters under (2) through (5) of
21 (a) above, and a person aged eighteen and over who would be entitled
22 to letters but for his or her age, may nominate a qualified person
23 to act as personal representative. Any person aged eighteen and over
24 may renounce his or her right to nominate or to an appointment by
25 appropriate writing filed with the court. When two or more persons
26 share a priority, those of them who do not renounce must concur in
27 nominating another to act for them, or in applying for appointment.

1 (d) Conservators of the estates of protected persons, or if
2 there is no conservator, any guardian except a guardian ad litem of a
3 minor or incapacitated person, may exercise the same right to
4 nominate, to object to another's appointment, or to participate in
5 determining the preference of a majority in interest of the heirs and
6 devisees that the protected person or ward would have if qualified for
7 appointment.

8 (e) Appointment of one who does not have priority may be
9 made only in formal proceedings except that appointment of one having
10 priority resulting from renunciation or nomination may be made in
11 informal proceedings. Before appointing one without priority, the
12 court must determine that those having priority, although given notice
13 of the proceedings, have failed to request appointment or to nominate
14 another for appointment, and that administration is necessary.

15 (f) No person is qualified to serve as a personal
16 representative who is:

17 (1) under the age of ~~nineteen~~; majority;

18 (2) a person whom the court finds unsuitable in formal
19 proceedings.

20 (g) A personal representative appointed by a court of the
21 decedent's domicile has priority over all other persons except where
22 the decedent's will nominates different persons to be personal
23 representative in this state and in the state of domicile. The
24 domiciliary personal representative may nominate another, who shall
25 have the same priority as the domiciliary personal representative.

26 (h) This section governs priority for appointment of a
27 successor personal representative but does not apply to the selection

1 of a special administrator.

2 Sec. 20. Section 30-3402, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 30-3402. For purposes of sections 30-3401 to 30-3432:

5 (1) Adult shall mean any person who is ~~nineteen years of~~
6 ~~age~~ the age of majority or older or who is or has been married;

7 (2) Attending physician shall mean the physician, selected
8 by or assigned to a principal, who has primary responsibility for the
9 care and treatment of such principal;

10 (3) Attorney in fact shall mean an adult properly designated
11 and authorized under sections 30-3401 to 30-3432 to make health care
12 decisions for a principal pursuant to a power of attorney for health
13 care and shall include a successor attorney in fact;

14 (4) Health care shall mean any treatment, procedure, or
15 intervention to diagnose, cure, care for, or treat the effects of
16 disease, injury, and degenerative conditions;

17 (5) Health care decision shall include consent, refusal of
18 consent, or withdrawal of consent to health care. Health care decision
19 shall not include (a) the withdrawal or withholding of routine care
20 necessary to maintain patient comfort, (b) the withdrawal or
21 withholding of the usual and typical provision of nutrition and
22 hydration, or (c) the withdrawal or withholding of life-sustaining
23 procedures or of artificially administered nutrition or hydration,
24 except as provided by sections 30-3401 to 30-3432;

25 (6) Health care provider shall mean an individual or
26 facility licensed, certified, or otherwise authorized or permitted by
27 law to administer health care in the ordinary course of business or

1 professional practice and shall include all facilities defined in the
2 Health Care Facility Licensure Act;

3 (7) Incapable shall mean the inability to understand and
4 appreciate the nature and consequences of health care decisions,
5 including the benefits of, risks of, and alternatives to any proposed
6 health care or the inability to communicate in any manner an informed
7 health care decision;

8 (8) Life-sustaining procedure shall mean any medical
9 procedure, treatment, or intervention that (a) uses mechanical or
10 other artificial means to sustain, restore, or supplant a spontaneous
11 vital function and (b) when applied to a person suffering from a
12 terminal condition or who is in a persistent vegetative state, serves
13 only to prolong the dying process. Life-sustaining procedure shall not
14 include routine care necessary to maintain patient comfort or the
15 usual and typical provision of nutrition and hydration;

16 (9) Persistent vegetative state shall mean a medical
17 condition that, to a reasonable degree of medical certainty as
18 determined in accordance with currently accepted medical standards, is
19 characterized by a total and irreversible loss of consciousness and
20 capacity for cognitive interaction with the environment and no
21 reasonable hope of improvement;

22 (10) Power of attorney for health care shall mean a power of
23 attorney executed in accordance with sections 30-3401 to 30-3432 which
24 authorizes a designated attorney in fact to make health care decisions
25 for the principal when the principal is incapable;

26 (11) Principal shall mean an adult who, when competent,
27 confers upon another adult a power of attorney for health care;

1 (12) Reasonably available shall mean that a person can be
2 contacted with reasonable efforts by an attending physician or another
3 person acting on behalf of the attending physician;

4 (13) Terminal condition shall mean an incurable and
5 irreversible medical condition caused by injury, disease, or physical
6 illness which, to a reasonable degree of medical certainty, will
7 result in death regardless of the continued application of medical
8 treatment including life-sustaining procedures; and

9 (14) Usual and typical provision of nutrition and hydration
10 shall mean delivery of food and fluids orally, including by cup,
11 eating utensil, bottle, or drinking straw.

12 Sec. 21. Section 30-3502, Revised Statutes Cumulative
13 Supplement, 2006, is amended to read:

14 30-3502. For purposes of the Nebraska Uniform Custodial
15 Trust Act:

16 (1) Adult means an individual who is at least ~~nineteen~~
17 ~~years of age; the age of majority;~~

18 (2) Beneficiary means an individual for whom property has
19 been transferred to or held under a declaration of trust by a
20 custodial trustee for the individual's use and benefit under the act;

21 (3) Conservator means a person appointed or qualified by a
22 court to manage the estate of an individual or a person legally
23 authorized to perform substantially the same functions;

24 (4) Court means a county court of this state;

25 (5) Custodial trust property means an interest in property
26 transferred to or held under a declaration of trust by a custodial
27 trustee under the act and the income from and proceeds of that

1 interest;

2 (6) Custodial trustee means a person designated as trustee
3 of a custodial trust under the act or a substitute or successor to the
4 person designated;

5 (7) Guardian means a person appointed or qualified by a
6 court as a guardian of an individual, including a limited guardian,
7 but not a person who is only a guardian ad litem;

8 (8) Incapacitated means lacking the ability to manage
9 property and business affairs effectively by reason of mental illness,
10 mental deficiency, physical illness or disability, chronic use of
11 drugs, chronic intoxication, confinement, detention by a foreign
12 power, disappearance, minority, or other disabling cause;

13 (9) Legal representative means a personal representative or
14 conservator;

15 (10) Member of the beneficiary's family means a
16 beneficiary's spouse, descendant, stepchild, parent, stepparent,
17 grandparent, brother, sister, uncle, or aunt, whether of whole or half
18 blood or by adoption;

19 (11) Person means an individual, corporation, limited
20 liability company, or other legal entity;

21 (12) Personal representative means an executor,
22 administrator, or special administrator of a decedent's estate, a
23 person legally authorized to perform substantially the same functions,
24 or a successor to any of them;

25 (13) State means a state, territory, or possession of the
26 United States, the District of Columbia, or the Commonwealth of Puerto
27 Rico;

1 (14) Transferor means a person who creates a custodial trust
2 by transfer or declaration; and

3 (15) Trust company means a financial institution,
4 corporation, or other legal entity, authorized to act as a corporate
5 trustee in the State of Nebraska.

6 Sec. 22. Section 32-602, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 32-602. (1) Any person seeking an elective office shall be a
9 registered voter at the time of filing for the office pursuant to
10 section 32-606 or 32-611.

11 (2) Any person filing for office shall meet the
12 constitutional and statutory requirements of the office for which he
13 or she is filing. If a person is filing for a partisan office, he or
14 she shall be a registered voter affiliated with the appropriate
15 political party if required pursuant to section 32-702. If the person
16 is required to sign a contract or comply with a bonding or equivalent
17 commercial insurance policy requirement prior to holding such office,
18 he or she shall be at least ~~nineteen years of age~~ the age of
19 majority at the time of filing for the office.

20 (3) The governing body of the political subdivision swearing
21 in the officer shall determine whether the person meets all
22 requirements prior to swearing in the officer.

23 Sec. 23. Section 42-371.01, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 42-371.01. (1) An obligor's duty to pay child support for a
26 child terminates when (a) the child reaches ~~nineteen years of age,~~
27 the age of majority, (b) the child marries, (c) the child dies, or

1 (d) the child is emancipated by a court of competent jurisdiction,
2 unless the court order for child support specifically extends child
3 support after such circumstances.

4 (2) The termination of child support does not relieve the
5 obligor from the duty to pay any unpaid child support obligations owed
6 or in arrears.

7 (3) The obligor may provide written application for
8 termination of a child support order when the child being supported
9 reaches ~~nineteen years of age~~, the age of majority, marries, dies,
10 or is otherwise emancipated. The application shall be filed with the
11 clerk of the district court where child support was ordered. A
12 certified copy of the birth certificate, marriage license, death
13 certificate, or court order of emancipation or an abstract of marriage
14 as defined in section 71-601.01 shall accompany the application for
15 termination of the child support. The clerk of the district court
16 shall send notice of the filing of the child support termination
17 application to the last-known address of the obligee. The notice shall
18 inform the obligee that if he or she does not file a written objection
19 within thirty days after the date the notice was mailed, child support
20 may be terminated without further notice. The court shall terminate
21 child support if no written objection has been filed within thirty
22 days after the date the clerk's notice to the obligee was mailed, the
23 forms and procedures have been complied with, and the court believes
24 that a hearing on the matter is not required.

25 (4) The State Court Administrator shall develop uniform
26 procedures and forms to be used to terminate child support.

27 (5) Changes made to this section by this legislative bill

1 shall apply only to child support orders entered on or after the
2 operative date of this act.

3 Sec. 24. Section 43-104.09, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 43-104.09. In all cases of adoption of a minor child born
6 out of wedlock, the biological mother shall complete and sign an
7 affidavit in writing and under oath. The affidavit shall be executed
8 by the biological mother before or at the time of execution of the
9 consent or relinquishment and shall be attached as an exhibit to any
10 petition to finalize the adoption. If the biological mother is under
11 the age of ~~nineteen~~, majority, the affidavit may be executed by
12 the agency or attorney representing the biological mother based upon
13 information provided by the biological mother. The affidavit shall be
14 in substantially the following form:

15 AFFIDAVIT OF IDENTIFICATION

16 I,, the mother of a child, state under
17 oath or affirm as follows:

18 (1) My child was born, or is expected to be born, on the
19 day of,, at, in
20 the State of

21 (2) I reside at, in the City or Village of
22, County of, State of
23

24 (3) I am of the age of years, and my date of
25 birth is

26 (4) I acknowledge that I have been asked to identify the
27 father of my child.

1 (5) (CHOOSE ONE)

2 (5A) I know and am identifying the biological father (or
3 possible biological fathers) as follows:

4 The name of the biological father is

5 His last-known home address is

6 His last-known work address is

7 He is years of age, or he is deceased, having
8 died on or about the day of,,
9 at, in the State of

10 (For other possible biological fathers, please use
11 additional sheets of paper as needed.)

12 (5B) I am unwilling or unable to identify the biological
13 father (or possible biological fathers). I do not wish or I am unable
14 to name the biological father of the child for the following reasons:

15 Conception of my child occurred as a result of
16 sexual assault or incest

17 Providing notice to the biological father of my
18 child would threaten my safety or the safety of my child

19 Other reason:

20 (6) If the biological mother is unable to name the
21 biological father, the physical description of the biological father
22 (or possible biological fathers) and other information which may
23 assist in identifying him, including the city or county and state
24 where conception occurred:

25
26
27

1 (use additional sheets of paper as needed).

2 (7) Under penalty of perjury, the undersigned certifies that
3 the statements set forth in this affidavit are true and correct.

4 (8) I have read this affidavit and have had the opportunity
5 to review and question it. It was explained to me by
6

7 I am signing it as my free and voluntary act and understand
8 the contents and the effect of signing it.

9 Dated this day of,

10 (Acknowledgment)

11

12 (Signature)

13 Sec. 25. Section 43-117, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 43-117. (1) The Department of Health and Human Services may
16 make payments as needed in behalf of a ward of the department with
17 special needs after the legal completion of his or her adoption. Such
18 payments to adoptive parents may include maintenance costs, medical
19 and surgical expenses, and other costs incidental to the care of the
20 child. Payments for maintenance and medical care shall terminate on or
21 before the child's ~~twentieth~~ nineteenth birthday.

22 (2) The Department of Health and Human Services shall pay
23 the treatment costs for the care of an adopted minor child which are
24 the result of an illness or condition if within three years after the
25 decree of adoption is entered the child is diagnosed as having a
26 physical or mental illness or condition which predates the adoption
27 and the child was adopted through the department, the department did

1 not inform the adopting parents of such condition prior to the
2 adoption, and the condition is of such nature as to require medical,
3 psychological, or psychiatric treatment and is more extensive than
4 ordinary childhood illness.

5 (3) The Department of Health and Human Services shall
6 conduct a medical assessment of the mental and physical needs of any
7 child to be adopted through the department.

8 Sec. 26. Section 43-245, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 43-245. For purposes of the Nebraska Juvenile Code, unless
11 the context otherwise requires:

12 (1) Age of majority means ~~nineteen~~ eighteen years of
13 age;

14 (2) Approved center means a center that has applied for and
15 received approval from the Director of the Office of Dispute
16 Resolution under section 25-2909;

17 (3) Cost or costs means (a) the sum or equivalent expended,
18 paid, or charged for goods or services, or expenses incurred, or (b)
19 the contracted or negotiated price;

20 (4) Juvenile means any person under the age of eighteen;

21 (5) Juvenile court means the separate juvenile court where
22 it has been established pursuant to sections 43-2,111 to 43-2,127 and
23 the county court sitting as a juvenile court in all other counties.
24 Nothing in the Nebraska Juvenile Code shall be construed to deprive
25 the district courts of their habeas corpus, common-law, or chancery
26 jurisdiction or the county courts and district courts of jurisdiction
27 of domestic relations matters as defined in section 25-2740;

1 (6) Juvenile detention facility has the same meaning as in
2 section 83-4,125;

3 (7) Mediator for juvenile offender and victim mediation
4 means a person who (a) has completed at least thirty hours of training
5 in conflict resolution techniques, neutrality, agreement writing, and
6 ethics set forth in section 25-2913, (b) has an additional eight hours
7 of juvenile offender and victim mediation training, and (c) meets the
8 apprenticeship requirements set forth in section 25-2913;

9 (8) Mental health facility means a treatment facility as
10 defined in section 71-914 or a government, private, or state hospital
11 which treats mental illness;

12 (9) Nonoffender means a juvenile who is subject to the
13 jurisdiction of the juvenile court for reasons other than legally
14 prohibited conduct, including, but not limited to, juveniles described
15 in subdivision (3)(a) of section 43-247;

16 (10) Nonsecure detention means detention characterized by
17 the absence of restrictive hardware, construction, and procedure.
18 Nonsecure detention services may include a range of placement and
19 supervision options, such as home detention, electronic monitoring,
20 day reporting, drug court, tracking and monitoring supervision, staff
21 secure and temporary holdover facilities, and group homes;

22 (11) Parent means one or both parents or a stepparent when
23 such stepparent is married to the custodial parent as of the filing of
24 the petition;

25 (12) Parties means the juvenile as described in section
26 43-247 and his or her parent, guardian, or custodian;

27 (13) Except in proceedings under the Nebraska Indian Child

1 Welfare Act, relative means father, mother, grandfather, grandmother,
2 brother, sister, stepfather, stepmother, stepbrother, stepsister,
3 uncle, aunt, first cousin, nephew, or niece;

4 (14) Secure detention means detention in a highly
5 structured, residential, hardware-secured facility designed to
6 restrict a juvenile's movement;

7 (15) Status offender means a juvenile who has been charged
8 with or adjudicated for conduct which would not be a crime if
9 committed by an adult, including, but not limited to, juveniles
10 charged under subdivision (3)(b) of section 43-247 and sections
11 53-180.01 and 53-180.02; and

12 (16) Traffic offense means any nonfelonious act in violation
13 of a law or ordinance regulating vehicular or pedestrian travel,
14 whether designated a misdemeanor or a traffic infraction.

15 Sec. 27. Section 43-247, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 43-247. The juvenile court shall have exclusive original
18 jurisdiction as to any juvenile defined in subdivision (1) of this
19 section who is under the age of sixteen, as to any juvenile defined in
20 subdivision (3) of this section, and as to the parties and proceedings
21 provided in subdivisions (5), (6), and (8) of this section. As used in
22 this section, all references to the juvenile's age shall be the age at
23 the time the act which occasioned the juvenile court action occurred.
24 The juvenile court shall have concurrent original jurisdiction with
25 the district court as to any juvenile defined in subdivision (2) of
26 this section. The juvenile court shall have concurrent original
27 jurisdiction with the district court and county court as to any

1 juvenile defined in subdivision (1) of this section who is age sixteen
2 or seventeen, any juvenile defined in subdivision (4) of this section,
3 and any proceeding under subdivision (7) or (11) of this section. The
4 juvenile court shall have concurrent original jurisdiction with the
5 county court as to any proceeding under subdivision (9) or (10) of
6 this section. Notwithstanding any disposition entered by the juvenile
7 court under the Nebraska Juvenile Code, the juvenile court's
8 jurisdiction over any individual adjudged to be within the provisions
9 of this section shall continue until the individual reaches the age of
10 majority or the court otherwise discharges the individual from its
11 jurisdiction. Changes made to the age of majority by this legislative
12 bill apply only to court orders entered on or after the operative date
13 of this act.

14 The juvenile court in each county as herein provided shall
15 have jurisdiction of:

16 (1) Any juvenile who has committed an act other than a
17 traffic offense which would constitute a misdemeanor or an infraction
18 under the laws of this state, or violation of a city or village
19 ordinance;

20 (2) Any juvenile who has committed an act which would
21 constitute a felony under the laws of this state;

22 (3) Any juvenile (a) who is homeless or destitute, or
23 without proper support through no fault of his or her parent,
24 guardian, or custodian; who is abandoned by his or her parent,
25 guardian, or custodian; who lacks proper parental care by reason of
26 the fault or habits of his or her parent, guardian, or custodian;
27 whose parent, guardian, or custodian neglects or refuses to provide

1 proper or necessary subsistence, education, or other care necessary
2 for the health, morals, or well-being of such juvenile; whose parent,
3 guardian, or custodian is unable to provide or neglects or refuses to
4 provide special care made necessary by the mental condition of the
5 juvenile; or who is in a situation or engages in an occupation
6 dangerous to life or limb or injurious to the health or morals of such
7 juvenile, (b) who, by reason of being wayward or habitually
8 disobedient, is uncontrolled by his or her parent, guardian, or
9 custodian; who deports himself or herself so as to injure or endanger
10 seriously the morals or health of himself, herself, or others; or who
11 is habitually truant from home or school, or (c) who is mentally ill
12 and dangerous as defined in section 71-908;

13 (4) Any juvenile who has committed an act which would
14 constitute a traffic offense as defined in section 43-245;

15 (5) The parent, guardian, or custodian who has custody of
16 any juvenile described in this section;

17 (6) The proceedings for termination of parental rights as
18 provided in the Nebraska Juvenile Code;

19 (7) The proceedings for termination of parental rights as
20 provided in section 42-364;

21 (8) Any juvenile who has been voluntarily relinquished,
22 pursuant to section 43-106.01, to the Department of Health and Human
23 Services or any child placement agency licensed by the Department of
24 Health and Human Services;

25 (9) Any juvenile who was a ward of the juvenile court at the
26 inception of his or her guardianship and whose guardianship has been
27 disrupted or terminated;

1 (10) The adoption or guardianship proceedings for a child
2 over which the juvenile court already has jurisdiction under another
3 provision of the Nebraska Juvenile Code; and

4 (11) The paternity determination for a child over which the
5 juvenile court already has jurisdiction.

6 Notwithstanding the provisions of the Nebraska Juvenile
7 Code, the determination of jurisdiction over any Indian child as
8 defined in section 43-1503 shall be subject to the Nebraska Indian
9 Child Welfare Act ; and the district court shall have exclusive
10 jurisdiction in proceedings brought pursuant to section 71-510.

11 Sec. 28. Section 43-289, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 43-289. In no case shall a juvenile committed under the
14 terms of the Nebraska Juvenile Code be confined after he or she
15 reaches the age of majority. The court may, when the health or
16 condition of any juvenile adjudged to be within the terms of such code
17 shall require it, cause the juvenile to be placed in a public hospital
18 or institution for treatment or special care or in an accredited and
19 suitable private hospital or institution which will receive the
20 juvenile for like purposes. Whenever any juvenile has been committed
21 to the Department of Health and Human Services, the department shall
22 follow the court's orders, if any, concerning the juvenile's specific
23 needs for treatment or special care for his or her physical well-being
24 and healthy personality. If the court finds any such juvenile to be a
25 person with mental retardation, it may, upon attaching a physician's
26 certificate and a report as to the mental capacity of such person,
27 commit such juvenile directly to an authorized and appropriate state

1 or local facility or home.

2 The marriage of any juvenile committed to a state
3 institution under the age of ~~nineteen years~~ majority shall not
4 ~~make such juvenile of the age of majority. end such juvenile's~~
5 minority.

6 A juvenile committed to any such institution shall be
7 subject to the control of the superintendent thereof, and the
8 superintendent, with the advice and consent of the Department of
9 Health and Human Services, shall adopt and promulgate rules and
10 regulations for the promotion, paroling, and final discharge of
11 residents such as shall be considered mutually beneficial for the
12 institution and the residents. Upon final discharge of any resident,
13 such department shall file a certified copy of the discharge with the
14 court which committed the resident.

15 Sec. 29. Section 43-290, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 43-290. It is the purpose of this section to promote
18 parental responsibility and to provide for the most equitable use and
19 availability of public money.

20 Pursuant to the petition filed by the county attorney in
21 accordance with section 43-274, whenever the care or custody of a
22 juvenile is given by the court to someone other than his or her
23 parent, which shall include placement with a state agency, or when a
24 juvenile is given medical, psychological, or psychiatric study or
25 treatment under order of the court, the court shall make a
26 determination of support to be paid by a parent for the juvenile at
27 the same proceeding at which placement, study, or treatment is

1 determined or at a separate proceeding. Such proceeding, which may
2 occur prior to, at the same time as, or subsequent to adjudication,
3 shall be in the nature of a disposition hearing.

4 At such proceeding, after summons to the parent of the time
5 and place of hearing served as provided in sections 43-262 to 43-267,
6 the court may order and decree that the parent shall pay, in such
7 manner as the court may direct, a reasonable sum that will cover in
8 whole or part the support, study, and treatment of the juvenile, which
9 amount ordered paid shall be the extent of the liability of the
10 parent. The court in making such order shall give due regard to the
11 cost of the support, study, and treatment of the juvenile, the ability
12 of the parent to pay, and the availability of money for the support of
13 the juvenile from previous judicial decrees, social security benefits,
14 veterans benefits, or other sources. Support thus received by the
15 court shall be transmitted to the person, agency, or institution
16 having financial responsibility for such support, study, or treatment
17 and, if a state agency or institution, remitted by such state agency
18 or institution quarterly to the Director of Administrative Services
19 for credit to the proper fund.

20 Whenever medical, psychological, or psychiatric study or
21 treatment is ordered by the court, whether or not the juvenile is
22 placed with someone other than his or her parent, or if such study or
23 treatment is otherwise provided as determined necessary by the
24 custodian of the juvenile, the court shall inquire as to the
25 availability of insured or uninsured health care coverage or service
26 plans which include the juvenile. The court may order the parent to
27 pay over any plan benefit sums received on coverage for the juvenile.

1 The payment of any deductible under the health care benefit plan
2 covering the juvenile shall be the responsibility of the parent. If
3 the parent willfully fails or refuses to pay the sum ordered or to pay
4 over any health care plan benefit sums received, the court may proceed
5 against him or her as for contempt, either on the court's own motion
6 or on the motion of the county attorney or authorized attorney as
7 provided in section 43-512, or execution shall issue at the request of
8 any person, agency, or institution treating or maintaining such
9 juvenile. The court may afterwards, because of a change in the
10 circumstances of the parties, revise or alter the order of payment for
11 support, study, or treatment.

12 If the juvenile has been committed to the care and custody
13 of the Department of Health and Human Services, the department shall
14 pay the costs for the support, study, or treatment of the juvenile
15 which are not otherwise paid by the juvenile's parent.

16 If no provision is otherwise made by law for the support or
17 payment for the study or treatment of the juvenile, compensation for
18 the support, study, or treatment shall be paid, when approved by an
19 order of the court, out of a fund which shall be appropriated by the
20 county in which the petition is filed.

21 The juvenile court shall retain jurisdiction over a parent
22 ordered to pay support for the purpose of enforcing such support order
23 for so long as such support remains unpaid but not to exceed ten years
24 from the ~~nineteenth birthday~~ age of majority of the youngest child
25 for whom support was ordered.

26 Sec. 30. Section 43-294, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 43-294. The custodian appointed by a juvenile court shall
2 have charge of the person of the juvenile and the right to make
3 decisions affecting the person of the juvenile, including medical,
4 dental, surgical, or psychiatric treatment, except that consent to a
5 juvenile marrying or joining the armed forces of the United States may
6 be given by a custodian, other than the Department of Health and Human
7 Services, with approval of the juvenile court, or by the department,
8 as to juveniles in its custody, without further court authority. The
9 authority of a custodian appointed by a juvenile court shall terminate
10 when the individual under legal custody reaches ~~nineteen years of~~
11 ~~age,~~ the age of majority, is legally adopted, or when the
12 authority is terminated by order of the juvenile court. When an
13 adoption has been granted by a court of competent jurisdiction as to
14 any such juvenile, such fact shall be reported immediately by such
15 custodian to the juvenile court. If the adoption is denied the
16 jurisdiction over the juvenile shall immediately revert to the court
17 which authorized placement of the juvenile for adoption. Any
18 association or individual receiving the care or custody of any such
19 juvenile shall be subject to visitation or inspection by the
20 Department of Health and Human Services, or any probation officer of
21 such court or any person appointed by the court for such purpose, and
22 the court may at any time require from such association or person a
23 report or reports containing such information or statements as the
24 judge shall deem proper or necessary to be fully advised as to the
25 care, maintenance, and moral and physical training of the juvenile, as
26 well as the standing and ability of such association or individual to
27 care for such juvenile. The custodian so appointed by the court shall

1 have standing as a party in that case to file any pleading or motion,
2 to be heard by the court with regard to such filings, and to be
3 granted any review or relief requested in such filings consistent with
4 Chapter 43, article 2.

5 Sec. 31. Section 43-412, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 43-412. (1) Every juvenile committed to the Office of
8 Juvenile Services pursuant to the Nebraska Juvenile Code or pursuant
9 to subsection (3) of section 29-2204 shall remain committed until he
10 or she attains the age of ~~nineteen~~ majority or is legally
11 discharged.

12 (2) The discharge of any juvenile pursuant to the rules and
13 regulations or upon his or her attainment of the age of ~~nineteen~~
14 majority shall be a complete release from all penalties incurred by
15 conviction or adjudication of the offense for which he or she was
16 committed.

17 Sec. 32. Section 43-504, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 43-504. (1) The term dependent child shall mean a child
20 under the age of ~~nineteen years~~ majority or a child who is under
21 the age of nineteen years and is a full-time student at a high school
22 or equivalent level of vocational or technical training and who is
23 living with a relative or with a caretaker who is the child's legal
24 guardian or conservator in a place of residence maintained by one or
25 more of such relatives or caretakers as his, her, or their own home,
26 or which child has been removed from the home of his or her father,
27 mother, grandfather, grandmother, brother, sister, stepfather,

1 stepmother, stepbrother, stepsister, uncle, aunt, first or second
2 cousin, nephew, or niece as a result of judicial determination to the
3 effect that continuation in the home would be contrary to the safety
4 and welfare of the child and such child has been placed in a foster
5 family home or child care institution as a result of such
6 determination, when the state or any court having jurisdiction of such
7 child is responsible for the care and placement of such child and one
8 of the following conditions exists: (a) Such child received aid from
9 the state in or for the month in which court proceedings leading to
10 such determination were initiated; (b) such child would have received
11 assistance in or for such month if application had been made therefor;
12 or (c) such child had been living with such a relative specified in
13 this subsection at any time within six months prior to the month in
14 which such proceedings were initiated and would have received such aid
15 in or for the month that such proceedings were initiated if in such
16 month the child had been living with, and removed from the home of,
17 such a relative and application had been made therefor.

18 (2) Except as provided in subdivision (2)(b) of section
19 68-1724, in awarding aid to dependent children payments, the term
20 dependent child shall include an unborn child but only during the last
21 three months of pregnancy. A pregnant woman may be eligible but only
22 (a) if it has been medically verified that the child is expected to be
23 born in the month such payments are made or expected to be born within
24 the three-month period following such month of payment and (b) if such
25 child had been born and was living with her in the month of payment,
26 she would be eligible for aid to families with dependent children. As
27 soon as it is medically determined that pregnancy exists, a pregnant

1 woman who meets the other requirements for aid to dependent children
2 shall be eligible for medical assistance.

3 (3) A physically or medically handicapped child shall mean a
4 child who, by reason of a physical defect or infirmity, whether
5 congenital or acquired by accident, injury, or disease, is or may be
6 expected to be totally or partially incapacitated for education or for
7 remunerative occupation.

8 Sec. 33. Section 43-2101, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 43-2101. All persons under ~~nineteen~~ eighteen years of
11 age are declared to be minors, but in case any person marries under
12 the age of ~~nineteen~~ eighteen years, his or her minority ends.

13 Sec. 34. Section 43-2903, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 43-2903. For purposes of the Parenting Act:

16 (1) Minor child shall mean a child under the age of
17 ~~nineteen years;~~ majority;

18 (2) Parenting functions shall mean those aspects of the
19 parent-child relationship in which the parent makes fundamental
20 decisions and performs fundamental functions necessary for the care
21 and development of the minor child. Parenting functions shall include,
22 but not be limited to:

23 (a) Maintaining a loving, stable, consistent, and nurturing
24 relationship with the minor child;

25 (b) Attending to the ongoing needs of the minor child,
26 including feeding, clothing, physical care and grooming, supervision,
27 and engaging in other activities appropriate to the healthy

1 development of the minor child within the social and economic
2 circumstances of the family;

3 (c) Attending to adequate education for the minor child,
4 including remedial or other special education essential to the best
5 interests of the minor child;

6 (d) Assisting the minor child in maintaining a positive
7 relationship with both parents and other family members;

8 (e) Assisting the minor child in developing and maintaining
9 appropriate interpersonal relationships; and

10 (f) Exercising appropriate support for social, academic,
11 athletic, or other special interests and abilities of the minor child
12 within the social and economic circumstances of the family;

13 (3) Parenting plan shall mean a plan for parenting the minor
14 child in consideration of the parenting functions, which plan may be
15 incorporated into any final decree or decree of modification in an
16 action (a) for dissolution of marriage, (b) concerning the validity of
17 a marriage, or (c) for legal separation; and

18 (4) Remediation process shall mean the method established in
19 the parenting plan which provides each parent a means to resolve
20 future circumstantial changes or conflicts regarding the parenting
21 functions or the parenting plan and which minimizes relitigation and
22 utilizes judicial intervention as a last resort.

23 Sec. 35. Section 43-3703, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 43-3703. Child means an individual under ~~nineteen years of~~
26 ~~age.~~ the age of majority.

27 Sec. 36. Section 44-5238, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 44-5238. Dependent shall mean a spouse, an unmarried child
3 under the age of ~~nineteen years~~, majority, an unmarried child who
4 is a full-time student under the age of twenty-three years and who is
5 financially dependent upon the parent, and an unmarried child of any
6 age who is medically certified as disabled and dependent upon the
7 parent.

8 Sec. 37. Section 48-122.01, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 48-122.01. Compensation under section 48-122 shall be
11 payable in the amount and to the following persons subject to the
12 maximum limits specified in sections 48-122 and 48-122.03:

13 (1) If there is a widow or widower and no children of the
14 deceased, as defined in section 48-124, to such widow or widower,
15 sixty-six and two-thirds percent of the average weekly wage of the
16 deceased, during widowhood or widowerhood;

17 (2) To the widow or widower, if there is a child or children
18 living with the widow or widower, sixty percent of the average weekly
19 wage of the deceased, or fifty-five percent, if such child is not or
20 such children are not living with a widow or widower, and, in addition
21 thereto, fifteen percent for each child. When there are two or more
22 such children, the indemnity benefits payable on account of such
23 children shall be divided among such children, share and share alike;

24 (3) Two years' indemnity benefits in one lump sum shall be
25 payable to a widow or widower upon remarriage;

26 (4) To the children, if there is no widow or widower,
27 sixty-six and two-thirds percent of such wage for one child, and

1 fifteen percent for each additional child, divided among such
2 children, share and share alike;

3 (5) The income benefits payable on account of any child
4 under this section shall cease when he or she dies, marries, or
5 reaches the age of ~~nineteen~~, majority, or when a child over such
6 age ceases to be physically or mentally incapable of self-support, or
7 if actually dependent ceases to be actually dependent, or, if enrolled
8 as a full-time student in any accredited educational institution,
9 ceases to be so enrolled or reaches the age of twenty-five. A child
10 who originally qualified as a dependent by virtue of being less than
11 ~~nineteen years of age~~ the age of majority may, upon reaching ~~age~~
12 ~~nineteen~~, such age, continue to qualify if he or she satisfies the
13 tests of being physically or mentally incapable of self-support,
14 actual dependency, or enrollment in an educational institution;

15 (6) To each parent, if actually dependent, twenty-five
16 percent;

17 (7) To the brothers, sisters, grandparents, and
18 grandchildren, if actually dependent, twenty-five percent to each such
19 dependent. If there should be more than one of such dependents, the
20 total income benefits payable on account of such dependents shall be
21 divided share and share alike;

22 (8) The income benefits of each beneficiary under
23 subdivisions (6) and (7) of this section shall be paid until he or
24 she, if a parent or grandparent, dies, marries, or ceases to be
25 actually dependent, or, if a brother, sister, or grandchild, dies,
26 marries, or reaches the age of ~~nineteen~~ majority or if over that
27 age ceases to be physically or mentally incapable of self-support, or

1 ceases to be actually dependent; and

2 (9) A person ceases to be actually dependent when his or her
3 income from all sources exclusive of workers' compensation income
4 benefits is such that, if it had existed at the time as of which the
5 original determination of actual dependency was made, it would not
6 have supported a finding of dependency. In any event, if the present
7 annual income of an actual dependent person including workers'
8 compensation income benefits at any time exceeds the total annual
9 support received by the person from the deceased employee, the
10 workers' compensation benefits shall be reduced so that the total
11 annual income is no greater than such amount of annual support
12 received from the deceased employee. In all cases, a person found to
13 be actually dependent shall be presumed to be no longer actually
14 dependent three years after each time as of which the person was found
15 to be actually dependent. This presumption may be overcome by proof of
16 continued actual dependency as defined in this subdivision and section
17 48-124.

18 Sec. 38. Section 48-124, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 48-124. The following persons shall be conclusively presumed
21 to be dependent for support upon a deceased employee: (1) A wife upon
22 a husband with whom she is living or upon whom she is actually
23 dependent at the time of his injury or death; (2) a husband upon a
24 wife with whom he is living or upon whom he is actually dependent at
25 the time of her injury or death; and (3) a child or children under the
26 age of ~~nineteen years~~, majority, or over such age, if physically
27 or mentally incapable of self-support, or any child ~~nineteen years of~~

1 ~~age~~ the age of majority, or over who is actually dependent, or any
2 child between ~~nineteen~~ the age of majority and twenty-five years
3 of age who is enrolled as a full-time student in any accredited
4 educational institution.

5 The term child shall include a posthumous child, a child
6 legally adopted or for whom adoption proceedings are pending at the
7 time of death, an actually dependent child in relation to whom the
8 deceased employee stood in the place of a parent for at least one year
9 prior to the time of death, an actually dependent stepchild, or a
10 child born out of wedlock. Child shall not include a married child
11 unless receiving substantially entire support from the employee.
12 Grandchild shall mean a child, as above defined, of a child, as above
13 defined, except that as to the latter child, the limitations as to age
14 in the above definition do not apply.

15 Brother or sister shall mean a brother or sister under
16 ~~nineteen years of age~~, the age of majority, or ~~nineteen years of~~
17 ~~age~~ the age of majority or over and physically or mentally
18 incapable of self-support, or ~~nineteen years of age~~ the age of
19 majority or over and actually dependent. The terms brother and sister
20 shall include stepbrothers and stepsisters, half brothers and half
21 sisters, and brothers and sisters by adoption but shall not include
22 married brothers or married sisters unless receiving substantially
23 entire support from the employee.

24 Parent shall mean a mother or father, a stepparent, a parent
25 by adoption, a parent-in-law, and any person who for more than one
26 year immediately prior to the death of the employee stood in the place
27 of a parent to him or her, if actually dependent in each case.

1 Actually dependent shall mean dependent in fact upon the
2 employee and shall refer only to a person who received more than half
3 of his or her support from the employee and whose dependency is not
4 the result of failure to make reasonable efforts to secure suitable
5 employment. When used as a noun, the word dependent shall mean any
6 person entitled to death benefits. No person shall be considered a
7 dependent, unless he or she be a member of the family of the deceased
8 employee, or bears to him or her the relation of widow, widower,
9 lineal descendant, ancestor, brother, or sister. Questions as to who
10 constitute dependents and the extent of their dependency shall
11 initially be determined as of the date of the accident to the
12 employee, and the death benefit shall be directly recoverable by and
13 payable to the dependent or dependents entitled thereto or their legal
14 guardians or trustees. No dependent of any injured employee shall be
15 deemed, during the life of such employee, a party in interest to any
16 proceeding by him or her for the enforcement or collection of any
17 claim for compensation, nor as respects the compromise thereof by such
18 employee.

19 Sec. 39. Section 49-801, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 49-801. Unless the context is shown to intend otherwise,
22 words and phrases in the statutes of Nebraska hereafter enacted are
23 used in the following sense:

24 (1) Acquire when used in connection with a grant of power or
25 property right to any person shall include the purchase, grant, gift,
26 devise, bequest, and obtaining by eminent domain;

27 (2) Action shall include any proceeding in any court of this

1 state;

2 ~~(3)~~ (3) Age of majority shall mean eighteen years of age;

3 ~~(3)~~ (4) Attorney shall mean attorney at law;

4 ~~(4)~~ (5) Company shall include any corporation,
5 partnership, limited liability company, joint-stock company, joint
6 venture, or association;

7 ~~(5)~~ (6) Domestic when applied to corporations shall mean
8 all those created by authority of this state;

9 ~~(6)~~ (7) Federal shall refer to the United States;

10 ~~(7)~~ (8) Foreign when applied to corporations shall
11 include all those created by authority other than that of this state;

12 ~~(8)~~ (9) Grantee shall include every person to whom any
13 estate or interest passes in or by any conveyance;

14 ~~(9)~~ (10) Grantor shall include every person from or by
15 whom any estate or interest passes in or by any conveyance;

16 ~~(10)~~ (11) Inhabitant shall be construed to mean a
17 resident in the particular locality in reference to which that word is
18 used;

19 ~~(11)~~ (12) Land or real estate shall include lands,
20 tenements, and hereditaments and all rights thereto and interest
21 therein other than a chattel interest;

22 ~~(12)~~ (13) Magistrate shall include judge of the county
23 court and clerk magistrate;

24 ~~(13)~~ (14) Month shall mean calendar month;

25 ~~(14)~~ (15) Oath shall include affirmation in all cases in
26 which an affirmation may be substituted for an oath;

27 ~~(15)~~ (16) Peace officer shall include sheriffs,

1 coroners, jailers, marshals, police officers, state highway patrol
2 officers, members of the National Guard on active service by direction
3 of the Governor during periods of emergency, and all other persons
4 with similar authority to make arrests;

5 ~~(16)~~ (17) Person shall include bodies politic and
6 corporate, societies, communities, the public generally, individuals,
7 partnerships, limited liability companies, joint-stock companies, and
8 associations;

9 ~~(17)~~ (18) Personal estate shall include money, goods,
10 chattels, claims, and evidences of debt;

11 ~~(18)~~ (19) Process shall mean a summons, subpoena, or
12 notice to appear issued out of a court in the course of judicial
13 proceedings;

14 ~~(19)~~ (20) State when applied to different states of the
15 United States shall be construed to extend to and include the District
16 of Columbia and the several territories organized by Congress;

17 ~~(20)~~ (21) Sworn shall include affirmed in all cases in
18 which an affirmation may be substituted for an oath;

19 ~~(21)~~ (22) The United States shall include territories,
20 outlying possessions, and the District of Columbia;

21 ~~(22)~~ (23) Violate shall include failure to comply with;

22 ~~(23)~~ (24) Writ shall signify an order or citation in
23 writing issued in the name of the state out of a court or by a
24 judicial officer; and

25 ~~(24)~~ (25) Year shall mean calendar year.

26 Sec. 40. Section 64-101, Revised Statutes Cumulative
27 Supplement, 2006, is amended to read:

1 64-101. (1) The Secretary of State may appoint and
2 commission such number of persons to the office of notary public as he
3 or she deems necessary.

4 (2) There shall be one class of such appointments which
5 shall be valid in the entire state and referred to as general notaries
6 public.

7 (3) The term effective date, as used with reference to a
8 commission of a notary public, shall mean the date of the commission
9 unless the commission states when it goes into effect, in which event
10 that date shall be the effective date.

11 (4) A general commission may refer to the office as notary
12 public and shall contain a provision showing that the person therein
13 named is authorized to act as a notary public anywhere within the
14 State of Nebraska or, in lieu thereof, may contain the word general or
15 refer to the office as general notary public.

16 (5) No person shall be appointed a notary public unless he
17 or she has taken and passed a written examination on the duties and
18 obligations of a notary public as provided in section 64-101.01.

19 (6) No appointment shall be made if such applicant has been
20 convicted of a felony or other crime involving fraud or dishonesty.

21 (7) No appointment shall be made until such applicant has
22 attained the age of ~~nineteen years~~ majority nor unless such
23 applicant certifies to the Secretary of State under oath that he or
24 she has carefully read and understands the laws relating to the duties
25 of notaries public and will, if commissioned, faithfully discharge the
26 duties pertaining to the office and keep records according to law.

27 (8) Each person appointed a notary public shall hold office

1 for a term of four years from the effective date of his or her
2 commission unless sooner removed.

3 Sec. 41. Section 68-1723, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 68-1723. (1) Cash assistance shall be provided only while
6 recipients are actively engaged in the specific activities outlined in
7 the self-sufficiency contract developed under section 68-1719. If the
8 recipients are not actively engaged in these activities, no cash
9 assistance shall be paid.

10 (2) Recipient families with at least one adult with the
11 capacity to work, as determined by the comprehensive assets
12 assessment, shall participate in the self-sufficiency contract as a
13 condition of receiving cash assistance. If any such adult fails to
14 cooperate in carrying out the terms of the contract, the family shall
15 be ineligible for cash assistance.

16 (a) Adult members of recipient families whose youngest child
17 is between the ages of twelve weeks and six months shall engage in an
18 individually determined number of part-time hours in activities such
19 as family nurturing, preemployment skills, or education.

20 (b) Participation in activities outlined in the
21 self-sufficiency contract shall not be required for one parent of a
22 recipient family whose youngest child is under the age of twelve
23 weeks.

24 (c) The two-year time limit on cash assistance under section
25 68-1724 shall be extended: (i) To cover the twelve-week postpartum
26 recovery period for children born to recipient families; and (ii) to
27 recognize special medical conditions of such children requiring the

1 presence of at least one adult member of the recipient family, as
2 determined by the state, which extend past the age of twelve weeks.

3 (d) Full participation in the activities outlined in the
4 self-sufficiency contract shall be required for adult members of a
5 recipient family whose youngest child is over the age of six months.

6 (e) Full participation in the activities outlined in the
7 self-sufficiency contract and the two-year time limit on cash
8 assistance under section 68-1724 shall begin for a minor parent when:

9 (i) The minor parent graduates from high school; (ii) the minor parent
10 receives his or her General Education Development diploma; or (iii)
11 the minor parent reaches ~~nineteen years of age.~~ the age of
12 majority.

13 (f) In cases in which the only adults in the recipient
14 family do not have parental responsibility which shall mean such
15 adults are not the biological or adoptive parents or stepparents of
16 the children in their care, and assistance is requested for all family
17 members, including the adults, the family shall participate in the
18 activities outlined in the self-sufficiency contract as a condition of
19 receiving cash assistance.

20 (g) Unemployed or underemployed absent and able-to-work
21 parents of children in the recipient family may participate in
22 self-sufficiency contracts, employment, and payment of child support,
23 and such absent parents may be required to pay all or a part of the
24 costs of the self-sufficiency contracts.

25 (3) Individual recipients and recipient families shall have
26 the right to request an administrative hearing (a) for the purpose of
27 reviewing compliance by the state with the terms of the

1 self-sufficiency contract or (b) for the purpose of reviewing a
2 determination by the department that the recipient or recipient family
3 has not complied with the terms of the self-sufficiency contract. It
4 is the intent of the Legislature that an independent mediation appeal
5 process be developed as an option to be considered.

6 Sec. 42. Section 68-1724, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 68-1724. (1) Cash assistance shall be provided for a period
9 or periods of time not to exceed a total of two years for recipient
10 families with children subject to the following:

11 (a) If the state fails to meet the specific terms of the
12 self-sufficiency contract developed under section 68-1719, the
13 two-year time limit established in this section shall be extended for
14 an additional period of not more than two years;

15 (b) The two-year time period for cash assistance shall begin
16 when the self-sufficiency contract is signed or when any children born
17 into the recipient family prior to the initial ten months of
18 assistance reach the age of six months, whichever is later;

19 (c) When no longer eligible to receive cash assistance,
20 assistance shall be available to reimburse work-related child care
21 expenses even if the recipient family has not achieved economic
22 self-sufficiency. The amount of such assistance shall be based on a
23 cost-shared plan between the recipient family and the state which
24 shall provide assistance up to one hundred eighty-five percent of the
25 federal poverty level for up to twenty-four months. A recipient family
26 may be required to contribute up to twenty percent of such family's
27 gross income for child care. It is the intent of the Legislature that

1 transitional health care coverage be made available on a sliding-scale
2 basis to individuals and families with incomes up to one hundred
3 eighty-five percent of the federal poverty level if other health care
4 coverage is not available;

5 (d) After receiving cash assistance under this section for
6 two years at a monthly payment level not exceeding that provided in
7 section 43-512, families shall receive no further cash assistance
8 pursuant to this section for at least two years after the assistance
9 period ends; and

10 (e) The self-sufficiency contract shall be revised and the
11 two-year time period for cash assistance extended when there is no job
12 available for adult members of the recipient family. It is the intent
13 of the Legislature that available job shall mean a job which results
14 in an income of at least equal to the amount of cash assistance that
15 would have been available if receiving assistance minus unearned
16 income available to the recipient family.

17 The department shall develop policy guidelines to allow for
18 cash assistance to persons who have received the maximum cash
19 assistance provided by this section and who face extreme hardship
20 without additional assistance. For purposes of this section, extreme
21 hardship means a recipient family does not have adequate cash
22 resources to meet the costs of the basic needs of food, clothing, and
23 housing without continuing assistance or the child or children are at
24 risk of losing care by and residence with their parent or parents.

25 (2) Cash assistance conditions under the Welfare Reform Act
26 shall be as follows:

27 (a) Adults in recipient families shall mean individuals at

1 least ~~nineteen years of age~~ the age of majority living with and
2 related to a child ~~eighteen years of age or younger~~ than the age of
3 majority or a child who is under the age of nineteen years and is a
4 full-time student in a high school or equivalent level of vocational
5 or technical training and shall include parents, siblings, uncles,
6 aunts, cousins, or grandparents, whether the relationship is
7 biological, adoptive, or step;

8 (b) The payment standard shall be based upon family size.
9 Any child born into the recipient family after the initial ten months
10 of participation in the program shall not increase the cash assistance
11 payment, except that child support or other income received on behalf
12 of such child or children shall not be considered as countable income
13 to the recipient family in determining the amount of their cash
14 assistance payment;

15 (c) The adults in the recipient family shall ensure that the
16 minor children regularly attend school. Education is a valuable
17 personal resource. The cash assistance provided to the recipient
18 family may be reduced when the parent or parents have failed to take
19 reasonable action to encourage the minor children of the recipient
20 family ages sixteen and under to regularly attend school. No reduction
21 of assistance shall be such as may result in extreme hardship. It is
22 the intent of the Legislature that a process be developed to insure
23 communication between the case manager, the parent or parents, and the
24 school to address issues relating to school attendance;

25 (d) Two-parent families which would otherwise be eligible
26 under section 43-504 or a federally approved waiver shall receive cash
27 assistance under this section;

1 (e) For minor parents, the assistance payment shall be based
2 on the minor parent's income. If the minor parent lives with at least
3 one parent, the family's income shall be considered in determining
4 eligibility and cash assistance payment levels for the minor parent.
5 If the minor parent lives independently, support shall be pursued from
6 the parents of the minor parent. If the absent parent of the minor's
7 child is a minor, support from his or her parents shall be pursued.
8 Support from parents as allowed under this subdivision shall not be
9 pursued when the family income is less than three hundred percent of
10 the federal poverty guidelines; and

11 (f) For adults who are not biological or adoptive parents or
12 stepparents of the child or children in the family, if assistance is
13 requested for the entire family, including the adults, a
14 self-sufficiency contract shall be entered into as provided in section
15 68-1719. If assistance is requested for only the child or children in
16 such a family, such children shall be eligible after consideration of
17 the family's income and if (i) the family cooperates in pursuing child
18 support and (ii) the minor children of the family regularly attend
19 school.

20 Sec. 43. Section 71-1,281, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 71-1,281. Every applicant for an initial license to practice
23 massage therapy shall (1) present satisfactory evidence that he or she
24 is a resident of this state and has attained the age of ~~nineteen~~
25 ~~years~~ majority and is of good moral character, (2) present proof of
26 graduation from an approved massage therapy school, and (3) pass an
27 examination prescribed by the Board of Massage Therapy.

1 Sec. 44. Section 71-1,348, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1,348. An applicant for an initial license to practice
4 acupuncture shall apply to the department on forms provided by the
5 department. At the time of application, the applicant shall present to
6 the department proof that he or she:

7 (1) Is ~~nineteen years of age~~ the age of majority or
8 older and is of good moral character;

9 (2) Has graduated from, after having successfully completed
10 the acupuncture curriculum requirements of, a formal, full-time
11 acupuncture program at a board-approved university, college, or school
12 of acupuncture which includes at least one thousand seven hundred
13 twenty-five hours of entry-level acupuncture education consisting of a
14 minimum of one thousand didactic and five hundred clinical hours;

15 (3) Has successfully passed an acupuncture examination
16 approved by the board which shall include a comprehensive written
17 examination in acupuncture theory, diagnosis and treatment technique,
18 and point location; and

19 (4) Has successfully completed a clean-needle technique
20 course approved by the board.

21 Sec. 45. Section 71-20,120, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-20,120. A hospital patient who is ~~nineteen years of age~~
24 the age of majority or older or an emancipated minor may designate
25 at any time, orally or in writing, up to five individuals not legally
26 related by marriage or blood to the patient whom the patient wishes to
27 be given the same visitation privileges as an immediate family member

1 of such patient. An individual so designated shall have the same
2 visitation privileges as an immediate family member of such patient.
3 The patient may rescind the designation or designations at any time,
4 orally or in writing. Any designation or rescission made under this
5 section shall be noted on the patient's medical records at such
6 hospital. For purposes of this section, medical records means the
7 hospital's record of a patient's health history and treatment
8 rendered.

9 Sec. 46. Section 71-6039.01, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 71-6039.01. No person shall act as a paid dining assistant
12 in a nursing home unless such person:

13 (1) Is at least sixteen years of age;

14 (2) Is able to speak and understand the English language or
15 a language understood by the nursing home resident being fed by such
16 person;

17 (3) Has successfully completed at least eight hours of
18 training as prescribed by the department for paid dining assistants;

19 (4) Has no adverse findings on the Nurse Aide Registry or
20 the Adult Protective Services Central Registry; and

21 (5) Has no adverse findings on the central register created
22 in section 28-718 if the nursing home which employs such person as a
23 paid dining assistant has at any one time more than one resident under
24 the ~~age of nineteen years.~~ age of majority.

25 Sec. 47. Section 76-2229.01, Revised Statutes Cumulative
26 Supplement, 2006, is amended to read:

27 76-2229.01. (1) For registration as a real property

1 appraiser, an applicant shall:

2 (a) Be at least ~~nineteen years of age;~~ the age of
3 majority;

4 (b) Hold a high school diploma or a certificate of high
5 school equivalency or have education acceptable to the board;

6 (c) Have successfully completed no fewer than ninety class
7 hours in board-approved courses of study which relate to appraisal and
8 which include a fifteen-hour course in the National Uniform Standards
9 of Professional Appraisal Practice. The courses of study shall be
10 conducted by an accredited university, college, community college, or
11 junior college, an appraisal society, institute, or association, or
12 such other educational provider as may be approved by the board and
13 shall be, at a minimum, fifteen class hours in length. Each course of
14 study shall include an examination pertinent to the material
15 presented;

16 (d) Pass an examination administered by the board which
17 demonstrates that the applicant has:

18 (i) Knowledge of technical terms commonly used in or related
19 to appraisal and the writing of appraisal reports;

20 (ii) Knowledge of depreciation theories, cost estimating,
21 methods of capitalization, market data analysis, appraisal
22 mathematics, and economic concepts applicable to real estate;

23 (iii) An understanding of the basic principles of land
24 economics, appraisal processes, and problems encountered in the
25 gathering, interpreting, and processing of data involved in the
26 valuation of real property;

27 (iv) Knowledge of the appraisal of various types of and

1 interests in real property for various functions and purposes;

2 (v) An understanding of basic real estate law;

3 (vi) An understanding of the types of misconduct for which
4 disciplinary proceedings may be initiated;

5 (vii) An understanding of the National Uniform Standards of
6 Professional Appraisal Practice;

7 (viii) An understanding of the recognized methods and
8 techniques necessary for the development and communication of a
9 credible appraisal; and

10 (ix) Knowledge of such other principles and procedures as
11 may be appropriate to produce a credible appraisal; and

12 (e) Not have been convicted of any felony or, if so
13 convicted, have had his or her civil rights restored.

14 (2) The application for registration shall include the
15 applicant's social security number and such other information as the
16 board may require.

17 (3) On and after January 1, 2008, an applicant shall receive
18 no more than three successive annual renewals for registration.
19 Notwithstanding any other provision of section 76-2228 to the
20 contrary, the board shall not approve any initial application for
21 registration as a real property appraiser on and after January 1,
22 2012.

23 Sec. 48. Section 76-2230, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 76-2230. (1) Prior to January 1, 2008, to qualify for a
26 license as a real property appraiser, an applicant shall:

27 (a) Be at least ~~nineteen years of age;~~ the age of

1 majority;

2 (b) Hold a high school diploma or a certificate of high
3 school equivalency or have education acceptable to the board;

4 (c) Have successfully completed no fewer than ninety class
5 hours, which may include the class hours set forth in section
6 76-2229.01, in board-approved courses of study which relate to
7 appraisal and which include a fifteen-hour course in the National
8 Uniform Standards of Professional Appraisal Practice. The courses of
9 study shall be conducted by an accredited university, college,
10 community college, or junior college, an appraisal society, institute,
11 or association, or such other educational provider as may be approved
12 by the board and shall be, at a minimum, fifteen class hours in
13 length. Each course shall include an examination pertinent to the
14 material presented;

15 (d) Have no fewer than two years of experience in any
16 combination of the following: Fee and staff appraisal; ad valorem tax
17 appraisal; review appraisal; appraisal analysis; highest-and-best-use
18 analysis; or feasibility analysis or study. The required experience
19 shall not be limited to the listed items but shall be acceptable to
20 the board and subject to review and determination as to conformity
21 with the National Uniform Standards of Professional Appraisal
22 Practice. The experience shall include a total of at least two
23 thousand hours and shall have occurred over at least a
24 twenty-four-month period. If requested, evidence acceptable to the
25 board concerning the experience shall be presented by the applicant in
26 the form of written reports or file memoranda;

27 (e) Pass an examination administered by the board which

1 demonstrates that the applicant has:

2 (i) Knowledge of technical terms commonly used in or related
3 to appraisal and the writing of appraisal reports;

4 (ii) Knowledge of depreciation theories, cost estimating,
5 methods of capitalization, market data analysis, appraisal
6 mathematics, and economic concepts applicable to real estate;

7 (iii) An understanding of the principles of land economics,
8 appraisal processes, and problems encountered in the gathering,
9 interpreting, and processing of data involved in the valuation of real
10 property;

11 (iv) Knowledge of the appraisal of various types of and
12 interests in real property for various functions and purposes;

13 (v) An understanding of basic real estate law;

14 (vi) An understanding of the types of misconduct for which
15 disciplinary proceedings may be initiated;

16 (vii) An understanding of the National Uniform Standards of
17 Professional Appraisal Practice;

18 (viii) An understanding of the recognized methods and
19 techniques necessary for the development and communication of a
20 credible appraisal; and

21 (ix) Knowledge of such other principles and procedures as
22 may be appropriate to produce a credible appraisal; and

23 (f) Not have been convicted of any felony or, if so
24 convicted, have had his or her civil rights restored.

25 (2) On and after January 1, 2008, to qualify for a
26 credential as a licensed residential real property appraiser, an
27 applicant shall:

- 1 (a) Be at least nineteen years of age;
- 2 (b) Hold a high school diploma or a certificate of high
3 school equivalency or have education acceptable to the board;
- 4 (c) Have successfully completed no fewer than one hundred
5 fifty class hours, which may include the class hours set forth in
6 section 76-2229.01, in board-approved courses of study which relate to
7 appraisal and which include completion of the fifteen-hour National
8 Uniform Standards of Professional Appraisal Practice Course, or its
9 equivalent as approved by the Appraiser Qualifications Board. The
10 fifteen-hour course shall be taught by a National Uniform Standards of
11 Professional Appraisal Practice Instructor who is certified by the
12 Appraiser Qualifications Board and who is a state-certified appraiser
13 in good standing. The courses of study shall be conducted by an
14 accredited university, college, community college, or junior college,
15 an appraisal society, institute, or association, a state or federal
16 agency or commission, a proprietary school, or such other educational
17 provider as may be approved by the board and shall be, at a minimum,
18 fifteen class hours in length. Each course shall include a closed-book
19 examination pertinent to the material presented;
- 20 (d) Have no fewer than two thousand hours of experience in
21 any combination of the following: Fee and staff appraisal; ad valorem
22 tax appraisal; condemnation appraisal; technical review appraisal;
23 appraisal analysis; real estate consulting; highest-and-best-use
24 analysis; and feasibility analysis or study. The required experience
25 shall not be limited to the listed items but shall be acceptable to
26 the board and subject to review and determination as to conformity
27 with the National Uniform Standards of Professional Appraisal

1 Practice. The experience shall have occurred during a period of no
2 fewer than twelve months. If requested, evidence acceptable to the
3 board concerning the experience shall be presented by the applicant in
4 the form of written reports or file memoranda;

5 (e) Within the twenty-four months following approval of the
6 applicant by the board, pass a closed-book examination administered by
7 the board which demonstrates that the applicant has:

8 (i) Knowledge of technical terms commonly used in or related
9 to appraisal and the writing of appraisal reports;

10 (ii) Knowledge of depreciation theories, cost estimating,
11 methods of capitalization, market data analysis, appraisal
12 mathematics, and economic concepts applicable to real estate;

13 (iii) An understanding of the principles of land economics,
14 appraisal processes, and problems encountered in the gathering,
15 interpreting, and processing of data involved in the valuation of real
16 property;

17 (iv) Knowledge of the appraisal of various types of and
18 interests in real property for various functions and purposes;

19 (v) An understanding of basic real estate law;

20 (vi) An understanding of the types of misconduct for which
21 disciplinary proceedings may be initiated;

22 (vii) An understanding of the National Uniform Standards of
23 Professional Appraisal Practice;

24 (viii) An understanding of the recognized methods and
25 techniques necessary for the development and communication of a
26 credible appraisal; and

27 (ix) Knowledge of such other principles and procedures as

1 may be appropriate to produce a credible appraisal; and

2 (f) Not have been convicted of any felony or, if so
3 convicted, have had his or her civil rights restored.

4 (3) On and after January 1, 2008, the scope of practice for
5 a licensed residential real property appraiser shall be limited to the
6 appraisal of noncomplex property having one, two, three, or four
7 residential units with a transaction value of less than one million
8 dollars and complex property having one, two, three, or four
9 residential units with a transaction value of less than two hundred
10 fifty thousand dollars.

11 (4) If an applicant is applying for renewal of a credential
12 as a licensed residential real property appraiser on and after January
13 1, 2008, the applicant shall have successfully completed no fewer than
14 fourteen hours of instruction in courses or seminars for each year of
15 the two-year continuing education period during which the application
16 is submitted and shall have completed the seven-hour National Uniform
17 Standards of Professional Appraisal Practice Update Course, or its
18 equivalent as approved by the Appraiser Qualifications Board, at a
19 minimum of every two years. The seven-hour course shall be taught by a
20 National Uniform Standards of Professional Appraisal Practice
21 Instructor who is certified by the Appraiser Qualifications Board and
22 who is a state-certified appraiser in good standing. Credit toward a
23 classroom hour requirement may be granted only when the length of the
24 educational offering is at least two hours. The courses of study shall
25 be conducted by an accredited university, college, community college,
26 or junior college, an appraisal society, institute, or association, a
27 state or federal agency or commission, a proprietary school, or such

1 other educational provider as may be approved by the board. Credit may
2 be granted for educational offerings and for participation other than
3 as a student as approved by the board.

4 (5) If, prior to January 1, 2008, an applicant for a
5 credential as a licensed residential real property appraiser has
6 satisfied the requirements for education, experience, or examination,
7 as the requirements for each component are described in subdivisions
8 (1)(c), (d), and (e) of this section, respectively, the board shall
9 deem the applicant to have met the requirements for that component for
10 purposes of credentialing. If the applicant has not met the
11 requirements for a component prior to January 1, 2008, the applicant
12 shall be required to meet the applicable requirements for that
13 component as described in subdivision (2)(c), (d), or (e) of this
14 section.

15 (6) The application for the license shall include the
16 applicant's social security number and such other information as the
17 board may require.

18 Sec. 49. Section 76-2231.01, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 76-2231.01. (1) Prior to January 1, 2008, to qualify for a
21 residential certificate as a certified residential real property
22 appraiser, an applicant shall:

23 (a) Be at least ~~nineteen years of age;~~ the age of
24 majority;

25 (b) Hold a high school diploma or a certificate of high
26 school equivalency or have education acceptable to the board;

27 (c) Have successfully completed no fewer than one hundred

1 twenty class hours, which may include the class hours set forth in
2 sections 76-2229.01 and 76-2230, in board-approved courses of study
3 which relate to appraisal and which include a fifteen-hour course in
4 the National Uniform Standards of Professional Appraisal Practice. The
5 courses of study shall be conducted by an accredited university,
6 college, community college, or junior college, an appraisal society,
7 institute, or association, or such other educational provider as may
8 be approved by the board and shall be, at a minimum, fifteen class
9 hours in length. Each course shall include an examination pertinent to
10 the material presented;

11 (d) Have no fewer than two years of experience in any
12 combination of the following: Fee and staff appraisal; ad valorem tax
13 appraisal; review appraisal; appraisal analysis; highest-and-best-use
14 analysis; or feasibility analysis or study. The required experience
15 shall not be limited to the listed items but shall be acceptable to
16 the board and subject to review and determination as to conformity
17 with the National Uniform Standards of Professional Appraisal
18 Practice. The experience shall include a total of at least two
19 thousand five hundred hours and shall have occurred over no less than
20 a twenty-four-month period. If requested, evidence acceptable to the
21 board concerning the experience shall be presented by the applicant in
22 the form of written reports or file memoranda. Of the two thousand
23 five hundred hours, one thousand five hundred hours shall be in
24 residential appraisal work. For purposes of determining residential
25 appraisal work, residential appraisal work shall be the appraisal of
26 property having one to four residential units;

27 (e) Pass an examination administered by the board which

1 demonstrates that the applicant has:

2 (i) Knowledge of technical terms commonly used in or related
3 to appraisals and the writing of appraisal reports;

4 (ii) An understanding of the basic principles of land
5 economics, appraisal processes, and problems encountered in gathering,
6 interpreting, and processing of data involved in the valuation of real
7 property;

8 (iii) An understanding of the recognized methods and
9 techniques necessary for the development and communication of credible
10 appraisals as provided in the Real Property Appraiser Act;

11 (iv) An understanding of the National Uniform Standards of
12 Professional Appraisal Practice;

13 (v) Knowledge of depreciation theories, cost estimating,
14 methods of capitalization, appraisal mathematics, and economic
15 concepts applicable to real estate;

16 (vi) Knowledge of such other principles and procedures as
17 may be appropriate for certification;

18 (vii) An understanding of real estate law; and

19 (viii) An understanding of the types of misconduct for which
20 disciplinary proceedings may be initiated; and

21 (f) Not have been convicted of any felony or, if so
22 convicted, have had his or her civil rights restored.

23 (2) On and after January 1, 2008, to qualify for a
24 residential certificate as a certified residential real property
25 appraiser, an applicant shall:

26 (a) Be at least nineteen years of age;

27 (b)(i) Hold an associate degree, or higher, from an

1 accredited university, college, community college, or junior college;
2 or

3 (ii) Have successfully completed, as verified by the board,
4 twenty-one semester hours of coursework or its equivalent from an
5 accredited university, college, community college, or junior college
6 that shall have included English composition; principles of
7 macroeconomics or microeconomics; finance; algebra, geometry, or
8 higher mathematics; statistics; introduction to computers, including
9 word processing and spread sheets; and business or real estate law;

10 (c) Have successfully completed no fewer than two hundred
11 class hours, which may include the class hours set forth in sections
12 76-2229.01 and 76-2230, in board-approved courses of study which
13 relate to appraisal and which include completion of the fifteen-hour
14 National Uniform Standards of Professional Appraisal Practice Course,
15 or its equivalent as approved by the Appraiser Qualifications Board.
16 The fifteen-hour course shall be taught by a National Uniform
17 Standards of Professional Appraisal Practice Instructor who is
18 certified by the Appraiser Qualifications Board and who is a
19 state-certified appraiser in good standing. The courses of study shall
20 be conducted by an accredited university, college, community college,
21 or junior college, an appraisal society, institute, or association, a
22 state or federal agency or commission, a proprietary school, or such
23 other educational provider as may be approved by the board and shall
24 be, at a minimum, fifteen class hours in length. Credit toward the
25 class hour requirement may be awarded to teachers of appraisal
26 courses. Each course shall include a closed-book examination pertinent
27 to the material presented;

1 (d) Have no fewer than two thousand five hundred hours of
2 experience in any combination of the following: Fee and staff
3 appraisal; ad valorem tax appraisal; condemnation appraisal; technical
4 review appraisal; appraisal analysis; real estate consulting;
5 highest-and-best-use analysis; and feasibility analysis or study. The
6 required experience shall not be limited to the listed items but shall
7 be acceptable to the board and subject to review and determination as
8 to conformity with the National Uniform Standards of Professional
9 Appraisal Practice. The experience shall have occurred during a period
10 of no fewer than twenty-four months. If requested, evidence acceptable
11 to the board concerning the experience shall be presented by the
12 applicant in the form of written reports or file memoranda;

13 (e) Within the twenty-four months following approval of the
14 applicant by the board, pass a closed-book examination administered by
15 the board which demonstrates that the applicant has:

16 (i) Knowledge of technical terms commonly used in or related
17 to appraisal and the writing of appraisal reports;

18 (ii) Knowledge of depreciation theories, cost estimating,
19 methods of capitalization, market data analysis, appraisal
20 mathematics, and economic concepts applicable to real estate;

21 (iii) An understanding of the principles of land economics,
22 appraisal processes, and problems encountered in the gathering,
23 interpreting, and processing of data involved in the valuation of real
24 property;

25 (iv) Knowledge of the appraisal of various types of and
26 interests in real property for various functions and purposes;

27 (v) An understanding of basic real estate law;

1 (vi) An understanding of the types of misconduct for which
2 disciplinary proceedings may be initiated;

3 (vii) An understanding of the National Uniform Standards of
4 Professional Appraisal Practice;

5 (viii) An understanding of the recognized methods and
6 techniques necessary for the development and communication of a
7 credible appraisal; and

8 (ix) Knowledge of such other principles and procedures as
9 may be appropriate to produce a credible appraisal; and

10 (f) Not have been convicted of any felony or, if so
11 convicted, have had his or her civil rights restored.

12 (3) On and after January 1, 2008, the scope of practice of a
13 certified residential real property appraiser shall be limited to the
14 appraisal of property having one, two, three, or four residential
15 units without regard to transaction value or complexity.

16 (4) If an applicant is applying for renewal of a residential
17 certificate as a certified residential real property appraiser on and
18 after January 1, 2008, the applicant shall have successfully completed
19 no fewer than fourteen hours of instruction in courses or seminars for
20 each year of the two-year continuing education period during which the
21 application is submitted and shall have completed the seven-hour
22 National Uniform Standards of Professional Appraisal Practice Update
23 Course, or its equivalent as approved by the Appraiser Qualifications
24 Board, at a minimum of every two years. The seven-hour course shall be
25 taught by a National Uniform Standards of Professional Appraisal
26 Practice Instructor who is certified by the Appraiser Qualifications
27 Board and who is a state-certified appraiser in good standing. Credit

1 toward a classroom hour requirement may be granted only if the length
2 of the educational offering is at least two hours. The courses of
3 study shall be conducted by an accredited university, college,
4 community college, or junior college, an appraisal society, institute,
5 or association, a state or federal agency or commission, a proprietary
6 school, or such other educational provider as may be approved by the
7 board. Credit may be granted for educational offerings and for
8 participation other than as a student as approved by the board.

9 (5) If, prior to January 1, 2008, an applicant for a
10 residential certificate as a certified residential real property
11 appraiser has satisfied the requirements for education, experience, or
12 examination, as the requirements for each component are described in
13 subdivisions (1)(c), (d), and (e) of this section, respectively, the
14 board shall deem the applicant to have met the requirements for that
15 component for purposes of credentialing. If the applicant has not met
16 the requirements for a component prior to January 1, 2008, the
17 applicant shall be required to meet the applicable requirements for
18 that component as described in subdivision (2)(c), (d), or (e) of this
19 section.

20 (6) The application for a residential certificate shall
21 include the applicant's social security number and such other
22 information as the board may require.

23 Sec. 50. Section 76-2232, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 76-2232. (1) Prior to January 1, 2008, to qualify for a
26 general certificate as a certified general real property appraiser, an
27 applicant shall:

1 (a) Be at least ~~nineteen years of age;~~ the age of
2 majority;

3 (b) Hold a high school diploma or a certificate of high
4 school equivalency or have education acceptable to the board;

5 (c) Have successfully completed no fewer than one hundred
6 eighty class hours, which may include the class hours set forth in
7 sections 76-2229.01, 76-2230, and 76-2231.01, in board-approved
8 courses of study which relate to appraisal and which include a
9 fifteen-hour course in the National Uniform Standards of Professional
10 Appraisal Practice. The courses of study shall be conducted by an
11 accredited university, college, community college, or junior college,
12 an appraisal society, institute, or association, or such other
13 educational provider as may be approved by the board and shall be, at
14 a minimum, fifteen class hours in length. Each course shall include an
15 examination pertinent to the material presented;

16 (d) Have two and one-half years of experience in any
17 combination of the following: Fee and staff appraisal; ad valorem tax
18 appraisal; review appraisal; appraisal analysis; highest-and-best-use
19 analysis; or feasibility analysis or study. The required experience
20 shall not be limited to the listed items but shall be acceptable to
21 the board and conform with the National Uniform Standards of
22 Professional Appraisal Practice. The experience shall include a total
23 of at least three thousand hours and shall have occurred over at least
24 a thirty-month period. If requested, evidence acceptable to the board
25 concerning the experience shall be presented by the applicant in the
26 form of written reports or file memoranda. Of the three thousand
27 hours, one thousand five hundred hours shall be in nonresidential

1 appraisal work. For purposes of determining nonresidential appraisal
2 work, residential appraisal work shall be the appraisal of property
3 having one to four residential units;

4 (e) Pass an examination administered by the board which
5 demonstrates that the applicant has:

6 (i) Knowledge of technical terms commonly used in or related
7 to appraisals and the writing of appraisal reports;

8 (ii) An understanding of the principles of land economics,
9 appraisal processes, and problems encountered in gathering,
10 interpreting, and processing of data involved in the valuation of real
11 property;

12 (iii) An understanding of the recognized methods and
13 techniques necessary for the development and communication of credible
14 appraisals as provided in the Real Property Appraiser Act;

15 (iv) An understanding of the National Uniform Standards of
16 Professional Appraisal Practice;

17 (v) Knowledge of depreciation theories, cost estimating,
18 methods of capitalization, appraisal mathematics, and economic
19 concepts applicable to real estate;

20 (vi) Knowledge of such other principles and procedures as
21 may be appropriate for general certification;

22 (vii) An understanding of real estate law; and

23 (viii) An understanding of the types of misconduct for which
24 disciplinary proceedings may be initiated; and

25 (f) Not have been convicted of any felony or, if so
26 convicted, have had his or her civil rights restored.

27 (2) On and after January 1, 2008, to qualify for a general

1 certificate as a certified general real property appraiser, an
2 applicant shall:

3 (a) Be at least nineteen years of age;

4 (b)(i) Hold a bachelor's degree, or higher, from an
5 accredited university or college; or

6 (ii) Have successfully completed, as verified by the board,
7 thirty semester hours of coursework or its equivalent from an
8 accredited university or college that shall have included English
9 composition; macroeconomics; microeconomics; finance; algebra,
10 geometry, or higher mathematics; statistics; introduction to
11 computers, including word processing and spread sheets; business or
12 real estate law; and two elective courses in accounting, geography,
13 agricultural economics, business management, or real estate;

14 (c) Have successfully completed no fewer than three hundred
15 class hours, which may include the class hours set forth in sections
16 76-2229.01, 76-2230, and 76-2231.01, in board-approved courses of
17 study which relate to appraisal and which include completion of the
18 fifteen-hour National Uniform Standards of Professional Appraisal
19 Practice Course, or its equivalent as approved by the Appraiser
20 Qualifications Board. The fifteen-hour course shall be taught by a
21 National Uniform Standards of Professional Appraisal Practice
22 Instructor who is certified by the Appraiser Qualifications Board and
23 who is a state-certified appraiser in good standing. The courses of
24 study shall be conducted by an accredited university, college,
25 community college, or junior college, an appraisal society, institute,
26 or association, a state or federal agency or commission, a proprietary
27 school, or such other educational provider as may be approved by the

1 board and shall be, at a minimum, fifteen class hours in length.
2 Credit toward the class hour requirement may be awarded to teachers of
3 appraisal courses. Each course shall include a closed-book examination
4 pertinent to the material presented;

5 (d) Have no fewer than three thousand hours of experience in
6 any combination of the following: Fee and staff appraisal; ad valorem
7 tax appraisal; condemnation appraisal; technical review appraisal;
8 appraisal analysis; real estate consulting; highest-and-best-use
9 analysis; and feasibility analysis or study. The required experience
10 shall not be limited to the listed items but shall be acceptable to
11 the board and subject to review and determination as to conformity
12 with the National Uniform Standards of Professional Appraisal
13 Practice. The experience shall have occurred during a period of no
14 fewer than thirty months. If requested, evidence acceptable to the
15 board concerning the experience shall be presented by the applicant in
16 the form of written reports or file memoranda;

17 (e) Within the twenty-four months following approval of the
18 applicant by the board, pass a closed-book examination administered by
19 the board which demonstrates that the applicant has:

20 (i) Knowledge of technical terms commonly used in or related
21 to appraisal and the writing of appraisal reports;

22 (ii) Knowledge of depreciation theories, cost estimating,
23 methods of capitalization, market data analysis, appraisal
24 mathematics, and economic concepts applicable to real estate;

25 (iii) An understanding of the principles of land economics,
26 appraisal processes, and problems encountered in the gathering,
27 interpreting, and processing of data involved in the valuation of real

1 property;

2 (iv) Knowledge of the appraisal of various types of and
3 interests in real property for various functions and purposes;

4 (v) An understanding of basic real estate law;

5 (vi) An understanding of the types of misconduct for which
6 disciplinary proceedings may be initiated;

7 (vii) An understanding of the National Uniform Standards of
8 Professional Appraisal Practice;

9 (viii) An understanding of the recognized methods and
10 techniques necessary for the development and communication of a
11 credible appraisal; and

12 (ix) Knowledge of such other principles and procedures as
13 may be appropriate to produce a credible appraisal; and

14 (f) Not have been convicted of any felony or, if so
15 convicted, have had his or her civil rights restored.

16 (3) If an applicant is applying for renewal of a general
17 certificate as a certified general real property appraiser on and
18 after January 1, 2008, the applicant shall have successfully completed
19 no fewer than fourteen hours of instruction in courses or seminars for
20 each year of the two-year continuing education period during which the
21 application is submitted and shall have completed the seven-hour
22 National Uniform Standards of Professional Appraisal Practice Update
23 Course, or its equivalent as approved by the Appraiser Qualifications
24 Board, at a minimum of every two years. The seven-hour course shall be
25 taught by a National Uniform Standards of Professional Appraisal
26 Practice Instructor who is certified by the Appraiser Qualifications
27 Board and who is a state-certified appraiser in good standing. Credit

1 toward a classroom hour requirement may be granted only if the length
2 of the educational offering is at least two hours. The courses of
3 study shall be conducted by an accredited university, college,
4 community college, or junior college, an appraisal society, institute,
5 or association, a state or federal agency or commission, a proprietary
6 school, or such other educational provider as may be approved by the
7 board. Credit may be granted for educational offerings and for
8 participation other than as a student as approved by the board.

9 (4) If, prior to January 1, 2008, an applicant for a general
10 certificate as a certified general real property appraiser has
11 satisfied the requirements for education, experience, or examination,
12 as the requirements for each component are described in subdivisions
13 (1)(c), (d), and (e) of this section, respectively, the board shall
14 deem the applicant to have met the requirements for that component for
15 purposes of credentialing. If the applicant has not met the
16 requirements for a component prior to January 1, 2008, the applicant
17 shall be required to meet the applicable requirements for that
18 component as described in subdivision (2)(c), (d), or (e) of this
19 section.

20 (5) The application for a general certificate shall include
21 the applicant's social security number and such other information as
22 the board may require.

23 Sec. 51. Section 79-267, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 79-267. The following student conduct shall constitute
26 grounds for long-term suspension, expulsion, or mandatory
27 reassignment, subject to the procedural provisions of the Student

1 Discipline Act, when such activity occurs on school grounds, in a
2 vehicle owned, leased, or contracted by a school being used for a
3 school purpose or in a vehicle being driven for a school purpose by a
4 school employee or by his or her designee, or at a school-sponsored
5 activity or athletic event:

6 (1) Use of violence, force, coercion, threat, intimidation,
7 or similar conduct in a manner that constitutes a substantial
8 interference with school purposes;

9 (2) Willfully causing or attempting to cause substantial
10 damage to property, stealing or attempting to steal property of
11 substantial value, or repeated damage or theft involving property;

12 (3) Causing or attempting to cause personal injury to a
13 school employee, to a school volunteer, or to any student. Personal
14 injury caused by accident, self-defense, or other action undertaken on
15 the reasonable belief that it was necessary to protect some other
16 person shall not constitute a violation of this subdivision;

17 (4) Threatening or intimidating any student for the purpose
18 of or with the intent of obtaining money or anything of value from
19 such student;

20 (5) Knowingly possessing, handling, or transmitting any
21 object or material that is ordinarily or generally considered a
22 weapon;

23 (6) Engaging in the unlawful possession, selling,
24 dispensing, or use of a controlled substance or an imitation
25 controlled substance, as defined in section 28-401, a substance
26 represented to be a controlled substance, or alcoholic liquor as
27 defined in section 53-103 or being under the influence of a controlled

1 substance or alcoholic liquor;

2 (7) Public indecency as defined in section 28-806, except
3 that this subdivision shall apply only to students at least twelve
4 years of age ~~but less than nineteen years of age; or older;~~ or older;

5 (8) Sexually assaulting or attempting to sexually assault
6 any person if a complaint has been filed by a prosecutor in a court of
7 competent jurisdiction alleging that the student has sexually
8 assaulted or attempted to sexually assault any person, including
9 sexual assaults or attempted sexual assaults which occur off school
10 grounds not at a school function, activity, or event. For purposes of
11 this subdivision, sexual assault means sexual assault in the first
12 degree as defined in section 28-319, sexual assault in the second
13 degree as defined in section 28-320, sexual assault of a child in the
14 second or third degree as defined in section 28-320.01, or sexual
15 assault of a child in the first degree as defined in section
16 28-319.01, as such sections now provide or may hereafter from time to
17 time be amended;

18 (9) Engaging in any other activity forbidden by the laws of
19 the State of Nebraska which activity constitutes a danger to other
20 students or interferes with school purposes; or

21 (10) A repeated violation of any rules and standards validly
22 established pursuant to section 79-262 if such violations constitute a
23 substantial interference with school purposes.

24 It is the intent of the Legislature that alternatives to
25 suspension or expulsion be imposed against a student who is truant,
26 tardy, or otherwise absent from required school activities.

27 Sec. 52. Section 79-296, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 79-296. (1) In addition to the penalties provided in the
3 Uniform Controlled Substances Act and section 79-267, any person
4 ~~under nineteen years of age~~ who is a student at any public
5 elementary, secondary, or postsecondary educational institution in
6 this state who possesses, dispenses, delivers, or administers anabolic
7 steroids as defined in section 28-401 in violation of the Uniform
8 Controlled Substances Act may be prohibited from participating in any
9 extracurricular activities for not more than thirty consecutive days
10 for the first offense. For the second or any subsequent offense, the
11 student may be barred from participation in such activities for any
12 period of time the institution deems appropriate pursuant to the
13 written policy of the institution.

14 (2) Any sanction imposed pursuant to this section shall be
15 in accordance with a written policy of the institution. The
16 institution shall post the written policy in a conspicuous place and
17 shall make a copy of the policy available to any student upon request.

18 Sec. 53. Section 81-885.13, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-885.13. (1) No broker's or salesperson's license shall be
21 issued to any person who has not attained the age of ~~nineteen years.~~
22 majority. No broker's or salesperson's license shall be issued to
23 any person who is not a high school graduate or the holder of a
24 certificate of high school equivalency.

25 (2) Each applicant for a salesperson's license shall furnish
26 evidence that he or she has completed two courses in real estate
27 subjects, approved by the commission, composed of not less than sixty

1 class hours of study or, in lieu thereof, courses delivered in a
2 distance education format approved by the commission.

3 (3) Each applicant for a broker's license shall either (a)
4 have first served actively for two years as a licensed salesperson or
5 broker and shall furnish evidence of completion of sixty class hours
6 in addition to the hours required by subsection (2) of this section in
7 a course of study approved by the commission or, in lieu thereof,
8 courses delivered in a distance education format approved by the
9 commission, or (b) furnish a certificate that he or she has passed a
10 course of at least eighteen credit hours in subjects related to real
11 estate at an accredited university or college, or completed six
12 courses in real estate subjects composed of not less than one hundred
13 eighty class hours in a course of study approved by the commission or,
14 in lieu thereof, courses delivered in a distance education format
15 approved by the commission.

16 (4) Each applicant for a broker's license must pass a
17 written examination covering generally the matters confronting real
18 estate brokers, and each applicant for a salesperson's license must
19 pass a written examination covering generally the matters confronting
20 real estate salespersons. Such examination may be taken before the
21 commission or any person designated by the commission. Failure to pass
22 the examination shall be grounds for denial of a license without
23 further hearing. The commission may prepare and distribute to
24 licensees under the Nebraska Real Estate License Act informational
25 material deemed of assistance in the conduct of their business.

26 (5) An applicant for an original broker's or salesperson's
27 license shall be subject to fingerprinting and a check of his or her

1 criminal history record information maintained by the Federal Bureau
2 of Investigation through the Nebraska State Patrol. Each applicant
3 shall furnish to the Nebraska State Patrol a full set of fingerprints
4 to enable a criminal background investigation to be conducted. The
5 applicant shall request that the Nebraska State Patrol submit the
6 fingerprints to the Federal Bureau of Investigation for a national
7 criminal history record check. The applicant shall pay the actual
8 cost, if any, of the fingerprinting and check of his or her criminal
9 history record information. The applicant shall authorize release of
10 the national criminal history record check to the commission. The
11 criminal history record information check shall be completed within
12 ninety days preceding the date the original application for a license
13 is received in the commission's office, and if not, the application
14 shall be returned to the applicant.

15 (6) Courses of study, referred to in subsections (2) and (3)
16 of this section, shall include courses offered by private proprietary
17 real estate schools when such courses are prescribed by the commission
18 and are taught by instructors approved by the commission. The
19 commission shall monitor schools offering approved real estate courses
20 and for good cause shall have authority to suspend or withdraw
21 approval of such courses or instructors.

22 Sec. 54. Section 81-1916, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-1916. (1) Each applicant for a truth and deception
25 examiner's license to operate a polygraph instrument shall submit to
26 the Secretary of State a sworn affidavit that the applicant:

27 (a) Is at least ~~nineteen years of age;~~ the age of

1 majority;

2 (b) Is a citizen of the United States and a resident of the
3 State of Nebraska;

4 (c) Has not been under sentence for the commission of a
5 felony within five years prior to such application, including parole,
6 probation, or actual incarceration, and has never been convicted of a
7 felony or a misdemeanor involving moral turpitude;

8 (d) Has an academic degree at the baccalaureate level from
9 an accredited college or university, has at least four years of
10 investigative experience at the federal, state, political subdivision,
11 or private licensed investigator level immediately prior to
12 application, or has had at least four years experience administering
13 polygraph examinations;

14 (e) Has satisfactorily completed a minimum of two hundred
15 fifty classroom hours of formal polygraph instructions from an
16 institution recognized and approved by the secretary and
17 satisfactorily completed not less than one year of internship training
18 or its equivalent as approved by the secretary; and

19 (f) Has not previously had an examiner's license or its
20 equivalent refused, revoked, or suspended, or otherwise invalidated
21 for any cause which would also represent lawful grounds for revoking
22 or denying the applicant's license under sections 81-1901 to 81-1936.

23 (2) Each applicant shall also:

24 (a) Furnish the secretary with satisfactory proof that he or
25 she has had suitable experience in the personal administration of
26 polygraph examinations during his or her internship or its equivalent;

27 (b) Furnish the secretary with completed fingerprint cards,

1 in duplicate, bearing the applicant's fingerprints and such other
2 identifying information or certification as to the authenticity
3 thereof as the secretary may reasonably require; and

4 (c) After satisfying all of the other requirements of this
5 section, be required to satisfactorily pass a written examination
6 regarding the polygraph, conducted by the secretary or under his or
7 her supervision, given to determine competency to practice as an
8 examiner.

9 Sec. 55. Section 81-1917, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-1917. (1) Each applicant for a truth and deception
12 examiner's license to operate a voice stress analysis instrument shall
13 submit to the Secretary of State a sworn affidavit that the applicant:

14 (a) Is at least ~~nineteen years of age;~~ the age of
15 majority;

16 (b) Is a citizen of the United States and a resident of the
17 State of Nebraska;

18 (c) Has not been under sentence for the commission of a
19 felony within five years prior to application, including parole,
20 probation, or actual incarceration, and has never been convicted of a
21 felony or a misdemeanor involving moral turpitude;

22 (d) Has an academic degree at the baccalaureate level from
23 an accredited college or university, has at least four years of
24 investigative experience at the federal, state, political subdivision,
25 or private licensed investigator level immediately prior to
26 application, or has had at least four years experience administering
27 voice stress examinations;

1 (e) Has satisfactorily completed a minimum of one hundred
2 fifty classroom hours of formal voice stress analysis instruction
3 recognized and approved by the secretary and has satisfactorily
4 completed at least one year of internship training or its equivalent
5 as approved by the secretary; and

6 (f) Has not previously had an examiner's license or its
7 equivalent refused or revoked, or otherwise invalidated for cause duly
8 shown which would also represent lawful grounds for revoking or
9 denying the applicant's license under sections 81-1901 to 81-1936.

10 (2) Each applicant shall also:

11 (a) Provide the secretary with proof that the applicant has
12 completed a course of study at a training facility approved pursuant
13 to subdivision (e) of subsection (1) of this section;

14 (b) Furnish the secretary with satisfactory proof that he or
15 she has had suitable experience in the personal administration of
16 voice stress analysis examinations during his or her training course;

17 (c) Furnish the secretary with completed fingerprint cards,
18 in duplicate, bearing the applicant's fingerprints and such other
19 identifying information or certification as to the authenticity
20 thereof as the secretary may reasonably require; and

21 (d) After satisfying all of the other requirements of this
22 section, be required to satisfactorily pass a written examination
23 regarding the voice stress analysis instruments, conducted by the
24 secretary or under his or her supervision, given to determine
25 competency to practice as an examiner.

26 Sec. 56. Section 81-1936, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 81-1936. An applicant who is a truth and deception examiner
2 licensed under laws of another state or territory of the United States
3 may be issued an appropriate license by the secretary without
4 examination if the secretary, in his or her discretion, determines the
5 applicant has produced satisfactory proof that:

6 (1) He or she is at least ~~nineteen years of age;~~ the age
7 of majority;

8 (2) He or she is of good moral character;

9 (3) The requirements for licensing of a truth and deception
10 examiner in such state or territory of the United States were at the
11 date of the applicant's licensing therein substantially equivalent to
12 the requirements of sections 81-1901 to 81-1936;

13 (4) The applicant has lawfully engaged in the administration
14 of truth and deception examinations under the laws of such state or
15 territory for at least six months prior to the application for
16 license;

17 (5) The other state or territory grants similar reciprocity
18 to the license holders of this state;

19 (6) The applicant has complied with section 81-1930; and

20 (7) The applicant has paid the required fee.

21 Sec. 57. Section 81-2026, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 81-2026. (1)(a) Any officer qualified for an annuity as
24 provided in section 81-2025 for reasons other than disability shall be
25 entitled to receive a monthly annuity for the remainder of the
26 officer's life. The annuity payments shall continue until the end of
27 the calendar month in which the officer dies. The amount of the

1 annuity shall be a percentage of the officer's final average monthly
2 compensation. For retirement on or after the fifty-fifth birthday of
3 the member or on or after the fiftieth birthday of a member who has
4 been in the employ of the state for twenty-five years, as calculated
5 in section 81-2033, the percentage shall be three percent multiplied
6 by the number of years of creditable service, as calculated in section
7 81-2033, except that the percentage shall never be greater than
8 seventy-five percent.

9 (b) For retirement pursuant to subsection (2) of section
10 81-2025 on or after the fiftieth birthday of the member but prior to
11 the fifty-fifth birthday of the member who has been in the employ of
12 the state for less than twenty-five years, as calculated in section
13 81-2033, the annuity which would apply if the member were age
14 fifty-five at the date of retirement shall be reduced by five-ninths
15 of one percent for each month by which the early retirement date
16 precedes age fifty-five or for each month by which the early
17 retirement date precedes the date upon which the member has served for
18 twenty-five years, whichever is earlier. Any officer who has completed
19 thirty years of creditable service with the Nebraska State Patrol
20 shall have retirement benefits computed as if the officer had reached
21 age fifty-five.

22 (c) For purposes of this computation, final average monthly
23 compensation shall mean the sum of the officer's total compensation
24 during the three twelve-month periods of service as an officer in
25 which compensation was the greatest divided by thirty-six, and for any
26 officer employed on or before January 4, 1979, the officer's total
27 compensation shall include payments received for unused vacation and

1 sick leave accumulated during the final three years of service.

2 (2) Any officer qualified for an annuity as provided in
3 section 81-2025 for reasons of disability shall be entitled to receive
4 a monthly annuity for the remainder of the period of disablement as
5 provided in sections 81-2028 to 81-2030. The amount of the annuity
6 shall be fifty percent of the officer's monthly compensation at the
7 date of disablement if the officer has completed seventeen or fewer
8 years of creditable service. If the officer has completed more than
9 seventeen years of creditable service, the amount of the annuity shall
10 be three percent of the final monthly compensation at the date of
11 disablement multiplied by the total years of creditable service but
12 not to exceed seventy-five percent of the final average monthly
13 compensation as defined in subsection (1) of this section. The date of
14 disablement shall be the date on which the benefits as provided in
15 section 81-2028 have been exhausted.

16 (3) Upon the death of an officer after retirement for
17 reasons other than disability, benefits shall be provided as a
18 percentage of the amount of the officer's annuity, calculated as
19 follows:

20 (a) If there is a surviving spouse but no dependent child or
21 children of the officer under ~~nineteen years of age~~, the age of
22 majority, the surviving spouse shall receive a benefit equal to
23 seventy-five percent of the amount of the officer's annuity for the
24 remainder of the surviving spouse's life or until the surviving spouse
25 remarries;

26 (b) If there is a surviving spouse and the surviving spouse
27 has in his or her care a dependent child or children of the officer

1 under ~~nineteen years of age~~ the age of majority, and there is no
2 other dependent child or children of the officer not in the care of
3 the surviving spouse under ~~nineteen years of age~~, the age of
4 majority the benefit shall be equal to one hundred percent of the
5 officer's annuity. When there is no remaining dependent child of the
6 officer under ~~nineteen years of age~~, the age of majority, the
7 benefit shall be seventy-five percent of the amount of the officer's
8 annuity to the surviving spouse for the remainder of the surviving
9 spouse's life or until the surviving spouse remarries;

10 (c) If there is a surviving spouse and the surviving spouse
11 has in his or her care a dependent child or children of the officer
12 under ~~nineteen years of age~~ the age of majority or there is
13 another dependent child or children of the officer under ~~nineteen~~
14 ~~years of age~~ the age of majority not in the care of the surviving
15 spouse, the benefit shall be twenty-five percent of the amount of the
16 officer's annuity to the surviving spouse and seventy-five percent of
17 the amount of the officer's annuity to the dependent children of the
18 officer under ~~nineteen years of age~~ the age of majority to be
19 divided equally among such dependent children but in no case shall the
20 benefit received by a surviving spouse and dependent children residing
21 with such spouse be less than fifty percent of the amount of the
22 officer's annuity. At such time as any dependent child of the officer
23 attains ~~nineteen years of age~~, the age of majority, the benefit
24 shall be divided equally among the remaining dependent children of the
25 officer who have not yet attained ~~nineteen years of age~~. the age of
26 majority. When there is no remaining dependent child of the officer
27 under ~~nineteen years of age~~, the age of majority, the benefit

1 shall be seventy-five percent of the amount of the officer's annuity
2 to the surviving spouse for the remainder of the surviving spouse's
3 life or until the surviving spouse remarries;

4 (d) If there is no surviving spouse and a dependent child or
5 children of the officer under ~~nineteen years of age~~, the age of
6 majority, the benefit shall be equal to seventy-five percent of the
7 officer's annuity to the dependent children of the officer under
8 ~~nineteen years of age~~ the age of majority to be divided equally
9 among such dependent children. At such time as any dependent child of
10 the officer attains ~~nineteen years of age~~, the age of majority,
11 the benefit shall be divided equally among the remaining dependent
12 children of the officer who have not yet attained ~~nineteen years of~~
13 ~~age~~; the age of majority; and

14 (e) If there is no surviving spouse or no dependent child or
15 children of the officer under ~~nineteen years of age~~, the age of
16 majority, the amount of benefit such officer has received under the
17 Nebraska State Patrol Retirement Act shall be computed. If such
18 amount is less than the contributions to the State Patrol Retirement
19 Fund made by such officer, plus regular interest, the difference shall
20 be paid to the officer's designated beneficiary or estate.

21 (4) Upon the death of an officer after retirement for
22 reasons of disability, benefits shall be provided as if the officer
23 had retired for reasons other than disability.

24 (5) Upon the death of an officer before retirement, benefits
25 shall be provided as if the officer had retired for reasons of
26 disability on the date of such officer's death, calculated as follows:

27 (a) If there is a surviving spouse but no dependent child or

1 children of the officer under ~~nineteen years of age~~, the age of
2 majority, the surviving spouse shall receive a benefit equal to
3 seventy-five percent of the amount of the officer's annuity for the
4 remainder of the surviving spouse's life or until the surviving spouse
5 remarries;

6 (b) If there is a surviving spouse and the surviving spouse
7 has in his or her care a dependent child or children of the officer
8 under ~~nineteen years of age~~ the age of majority and there is no
9 other dependent child or children of the officer not in the care of
10 the surviving spouse under ~~nineteen years of age~~, the age of
11 majority, the benefit shall be equal to one hundred percent of the
12 officer's annuity. When there is no remaining dependent child of the
13 officer under ~~nineteen years of age~~, the age of majority, the
14 benefit shall be seventy-five percent of the amount of the officer's
15 annuity to the surviving spouse for the remainder of the surviving
16 spouse's life or until the surviving spouse remarries;

17 (c) If there is a surviving spouse and the surviving spouse
18 has in his or her care a dependent child or children of the officer
19 under ~~nineteen years of age~~ the age of majority or there is
20 another dependent child or children of the officer under ~~nineteen~~
21 ~~years of age~~ the age of majority not in the care of the surviving
22 spouse, the benefit shall be twenty-five percent of the amount of the
23 officer's annuity to the surviving spouse and seventy-five percent of
24 the amount of the officer's annuity to the dependent children of the
25 officer under ~~nineteen years of age~~ the age of majority to be
26 divided equally among such dependent children but in no case shall the
27 benefit received by a surviving spouse and dependent children residing

1 with such spouse be less than fifty percent of the amount of the
2 officer's annuity. At such time as any dependent child of the officer
3 attains ~~nineteen years of age,~~ the age of majority, the benefit
4 shall be divided equally among the remaining dependent children of the
5 officer who have not yet attained ~~nineteen years of age.~~ the age of
6 majority. When there is no remaining dependent child of the officer
7 under ~~nineteen years of age,~~ the age of majority, the benefit
8 shall be seventy-five percent of the amount of the officer's annuity
9 to the surviving spouse for the remainder of the surviving spouse's
10 life or until the surviving spouse remarries;

11 (d) If there is no surviving spouse and a dependent child or
12 children of the officer under ~~nineteen years of age,~~ the age of
13 majority, the benefit shall be equal to seventy-five percent of the
14 officer's annuity to the dependent children of the officer under
15 ~~nineteen years of age~~ the age of majority to be divided equally
16 among such dependent children. At such time as any dependent child of
17 the officer attains ~~nineteen years of age,~~ the age of majority,
18 the benefit shall be divided equally among the remaining dependent
19 children of the officer who have not yet attained ~~nineteen years of~~
20 ~~age;~~ the age of majority; and

21 (e) If no benefits are paid to a surviving spouse or
22 dependent child or children of the officer, benefits will be paid as
23 described in subsection (1) of section 81-2031.

24 (6) Any changes made to this section by Laws 2004, LB 1097,
25 shall apply only to retirements, disabilities, and deaths occurring on
26 or after July 16, 2004.

27 (7) Changes made to this section by this legislative bill

1 shall apply only to retirements, disabilities, and deaths occurring on
2 or after the operative date of this act.

3 Sec. 58. Section 81-2036, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-2036. After the adjustment prescribed in section 81-2035
6 is made, any annuity paid pursuant to sections 81-2014 to 81-2034 to
7 any officer or surviving spouse qualified to receive such payment
8 shall be adjusted on May 27, 1989, to reflect changes in the cost of
9 living and wage levels which have occurred subsequent to the date of
10 retirement up to an annuity total amount equal to five thousand nine
11 hundred eighty dollars for a one-member family unit. For each
12 additional member of the family unit the amount shall be increased by
13 two thousand forty dollars. The annuity shall be adjusted to reflect
14 any changes in the family unit when the change occurs. A change in the
15 family unit after retirement occurs (1) upon the death of the officer,
16 (2) upon the death of the spouse or a dependent child, (3) upon the
17 birth of a dependent child, (4) upon the divorce of the officer and
18 his or her spouse, (5) when the officer no longer provides support for
19 a dependent child, and (6) when a dependent child, prior to the
20 operative date of this act, becomes nineteen years of age or, on or
21 after the operative date of this act, becomes the age of majority.

22 Each officer or surviving spouse whose annuity is adjusted pursuant
23 to this section shall file an annual report with the retirement
24 system, on a form prescribed by the Public Employees Retirement Board,
25 to verify the size of the family unit. For purposes of this section:
26 Family ~~family~~ unit shall include the officer; ~~his or her~~
27 spouse at the time of retirement; ~~the officer's legal dependent~~

1 children under ~~nineteen years of age~~, the age of majority, prior to
2 the operative date of this act, or, on or after the operative date of
3 this act, under the age of majority; and the officer's dependent
4 handicapped children.

5 Sec. 59. This act becomes operative on January 1, 2008.

6 Sec. 60. Original sections 9-255.09, 9-334, 9-633, 20-403,
7 21-1724, 21-1781, 29-401, 29-2270, 30-2412, 32-602, 43-104.09, 43-117,
8 43-245, 43-289, 43-290, 43-294, 43-412, 43-504, 43-2101, 43-2903,
9 43-3703, 44-5238, 48-122.01, 48-124, 49-801, 68-1723, 68-1724,
10 71-1,281, 71-1,348, 71-20,120, 79-296, 81-885.13, 81-1916, 81-1917,
11 81-1936, and 81-2036, Reissue Revised Statutes of Nebraska, and
12 sections 9-255.06, 23-1824, 25-1601, 25-1628, 25-21,271, 28-318,
13 28-319, 28-320.01, 28-457, 30-2209, 30-3402, 30-3502, 42-371.01,
14 43-247, 64-101, 71-6039.01, 76-2229.01, 76-2230, 76-2231.01, 76-2232,
15 79-267, and 81-2026, Revised Statutes Cumulative Supplement, 2006, are
16 repealed.